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58TH CONGRESS, 3d Session. | SENATE. | DOCUMENT No. 122.

A REPORT

ON

LABOR DISTURBANCES IN THE STATE OF COLORADO, FROM 1880 TO 1904, INCLUSIVE,

WITH

CORRESPONDENCE RELATING THERETO.

Prepared under the direction of
CARROLL D. WRIGHT,
COMMISSIONER OF LABOR.

JANUARY 27, 1905.—Read; referred to the Committee on the Judiciary and ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1905.

To the Senate and House of Representatives:

I transmit herewith certain reports by the Commissioner of Labor and the Attorney-General on the labor disturbances in Colorado, together with copies of correspondence between the President and the Attorney-General and the Commissioner of Labor upon the matter, and copies of correspondence between the Secretary of War and the governor of Colorado as to the request of the governor of Colorado for aid by the National Executive in dealing with the labor disturbances.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 27, 1905.*

CONTENTS.

Page.
Correspondence relating to labor disturbances in Colorado 7–27

REPORT OF THE COMMISSIONER OF LABOR.

Letters of transmittal 31–34
Chapter I.—Western Federation of Miners 35–45
Chapter II.—Citizens' Alliance of Colorado 46–50
Chapter III.—Eight-hour law in Colorado 51–67
Chapter IV.—Notable mining strikes in Colorado, 1880 to 1904 68
Chapter V.—Strike of miners at Leadville in 1880 69–74
  Militia ordered out 72, 73
  Union men forced to leave camp 73
  Settlement of the strike 73, 74
Chapter VI.—Strike of miners at Cripple Creek in 1894 75–85
  Militia ordered out 76–84
  Settlement of the strike 84, 85
Chapter VII.—Strike of miners at Leadville in 1896–97 86–101
  Militia ordered out 93–96
  Report of legislative committee on strike 96–101
Chapter VIII.—Strike of miners at Lake City in 1899 102–105
  Militia ordered out 103, 104
  Settlement of the strike 105
Chapter IX.—Strike of miners at Telluride in 1901 106–111
  Nonunion men forced by union miners to leave camp 107–109
  Settlement of the strike 109–111
Chapter X.—Strike of reduction-mill employees at Colorado City in 1903 112–119
  Militia ordered out 115, 116
  Efforts to effect a settlement 117–119
Chapter XI.—First sympathetic strike of miners in the Cripple Creek district in 1903 120–122
Chapter XII.—Temporary settlement of the strike by an advisory board appointed by the governor 123–131
Chapter XIII.—Strike of smelter men at Denver in 1903 132–146
Chapter XIV.—Conditions in the Cripple Creek district in 1903 147–150
  Attitude of the Federation toward nonunion men 148–150
Chapter XV.—Strike of miners at Idaho Springs in 1903 151–159
  Union men forced to leave Idaho Springs 154–159
Chapter XVI.—Second sympathetic strike of miners in the Cripple Creek district in 1903 160–166
Chapter XVII.—Strike of mill men at Telluride in 1903 167–169
Chapter XVIII.—Militia ordered to the Cripple Creek district 170–180

Page.
CHAPTER XIX.—CLASH BETWEEN MILITARY AND CIVIL AUTHORITIES 181-188
CHAPTER XX.—ATTEMPTS AT TRAIN WRECKING AND FATAL EXPLOSION IN THE VINDICATOR MINE 189-193
CHAPTER XXI.—STRIKE OF MINERS AT TELLURIDE IN 1903-4 194-206
  Militia ordered out 195-199
  Deportation of union miners 199-206
CHAPTER XXII.—TELLER COUNTY PROCLAIMED TO BE IN A STATE OF INSURRECTION AND REBELLION 207-219
  Press censorships exercised by military authorities 210-213
  Citizens required by military authorities to surrender their arms 214, 215
  Suspension of writ of habeas corpus 215, 216
  Deportations by military authorities 216-219
CHAPTER XXIII.—FATAL ACCIDENT AT THE INDEPENDENCE MINE 220-223
CHAPTER XXIV.—MINE OWNERS' ASSOCIATION CARD SYSTEM FOR BLACKLISTING MEMBERS OF THE WESTERN FEDERATION OF MINERS 224-228
CHAPTER XXV.—THE MOYER HABEAS CORPUS CASE 229-246
  Decision of the State supreme court 236-243
  Dissenting opinion 243-245
CHAPTER XXVI.—DYNAMITE HORROR AT THE INDEPENDENCE DEPOT 247, 248
CHAPTER XXVII.—DISTURBANCES AT VICTOR 249-258
  Rioting in the streets 250
  Militia called out 250, 251
  Civil officers deposed 251-254
CHAPTER XXVIII.—MILITARY RULE IN THE CRIPPLE CREEK DISTRICT 259-282
  Deportation of union miners to Denver 260
  Wrecking of the Victor Record office 261-265
  Attitude of employers toward union labor 265-267
  Deportation of union miners to Kansas 267, 268
  Official versions of the labor troubles 269-274
  Deportation of union men to New Mexico and Colorado points 274-278
  Assistance to strikers by organized labor 278-280
  Assistance to families of strikers forbidden except through military authorities 281, 282
CHAPTER XXIX.—MINES OPERATED ON OPEN-SHOP PRINCIPLE CLOSED BY MILITARY AUTHORITIES 283-286
CHAPTER XXX.—CLOSE OF THE STRIKE AT TELLURIDE 287-292
  Militia withdrawn from San Miguel County 287, 288
  Deportations by the civil authorities 288
  Scale of wages in effect after strike 289, 290
  Strike declared off 290, 291
  Recent conditions at Telluride 291, 292
CHAPTER XXXI.—CONDITIONS IN CRIPPLE CREEK DISTRICT UPON THE CLOSE OF MILITARY RULE 293-325
  Withdrawal of militia 293-296
  Governor Peabody's statement to the public 296-303
  Reply of Western Federation of Miners to statement of Governor Peabody 303-305
  Whitecap outrages in Cripple Creek district 306-308
  Deportations by citizens 306-315
  Injunction against Citizens' Alliance and Mine Owners' Association 315-319
  Conditions in December, 1904 319-325

Page.

CHAPTER XXXII.—CHARGES AGAINST THE WESTERN FEDERATION OF MINERS AND COUNTERCHARGES AGAINST THE MINE OWNERS' ASSOCIATION AND THE CITIZENS' ALLIANCE.......... 326–329

CHAPTER XXXIII.—STRIKE OF MINERS IN THE COAL FIELDS IN 1903–4.......... 330–359

- Causes of the strike.......... 330–344
- Militia ordered out.......... 344–349
- Citizens required by militia to surrender firearms.......... 350
- Establishment of press censorship.......... 350
- Deportations by military authorities.......... 350–355
- Withdrawal of militia.......... 355
- End of the strike.......... 359

CHAPTER XXXIV.—EXPENSE OF MILITARY CAMPAIGNS IN COLORADO FROM 1880 TO 1904.......... 360

CORRESPONDENCE RELATING TO LABOR DISTURBANCES IN COLORADO.

CORRESPONDENCE RELATING TO LABOR DISTURBANCES IN COLORADO.

[Telegram.]

DENVER, COLO., *November 16, 1903.*

The PRESIDENT OF THE UNITED STATES,
Washington:

Industrial troubles in Colorado are assuming more dangerous proportions every day; coupled with the stand of the Western Federation of Miners comes the American Mine Workers' Association, and has closed practically all of our coal mines. Demands for State troops to protect life and property are of daily occurrence. The welfare of our people and their property must be protected and coercion and violence be prohibited. The emergency is great. Will you instruct General Baldwin, commanding the Department of Colorado, to furnish me such aid as I may call for?

JAMES H. PEABODY,
Governor of Colorado.

WHITE HOUSE,
Washington, November 16, 1903.

MY DEAR SIR: I am directed by the President to forward you the inclosed telegram from Governor Peabody, of Colorado, concerning the industrial troubles in that State, and to say that he would like to consult with you at the Cabinet meeting to-morrow, Tuesday, regarding the matter.

Very truly, yours,

WM. LOEB, JR.,
Secretary to the President.

Hon. ELIHU ROOT,
Secretary of War.

WAR DEPARTMENT,
Washington, November 17, 1903.

SIR: The President has handed me your dispatch of November 16 for answer, and for such action as may prove to be necessary.

He regrets very much the existence of conditions which you describe, but hopes that matters will not reach a point beyond the abilities of the State authorities to enforce the laws. If, however, defiance of the law should at any time reach a point where you find it to be your duty to make the requisition contemplated by law to give the United States Government authority to intervene, we will be ready to respond promptly to the call of the State government.

The terms of section 5297 of the United States Revised Statutes, which regulates the subject, require the application of the State government to be made directly to the President as a preliminary to any right on his part to use the troops, and that will preclude authorizing any action on General Baldwin's part in advance of such an application.

Very respectfully,
ELIHU ROOT,
Secretary of War.

Hon. JAMES H. PEABODY,
Governor, Denver, Colo.

WHITE HOUSE,
Washington, November 18, 1903.

MY DEAR MR. SECRETARY: The President directs me to send you the inclosed telegram just received from Governor Peabody, of Colorado.

Very truly, yours,
WM. LOEB, JR.,
Secretary to the President.

Hon. ELIHU ROOT,
Secretary of War.

[Telegram.]

DENVER, COLO., *November 18, 1903.*

His Excellency, the PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

Unauthorized armed pickets have taken possession of property in San Miguel County, Colo., prohibiting owners, operators, or workingmen from continuing business. Mining, milling, and other business is suspended there by intimidations, threats, and violence of an unlawful, armed organization. The sheriff reports inability to cope with situation, and the State has exhausted every means at its command to enforce the law, suppress lawlessness, and protect life and property there and elsewhere in the State, and, in accordance with the law in such case provided, I, as governor of the State of Colorado, do respectfully request that you instruct the commander of the Department of Colorado to furnish me such aid, immediately, as I may call for.

JAMES H. PEABODY,
Governor of Colorado.

[War Department telegram—Official business.]

NOVEMBER 18, 1903.

Hon. JAMES H. PEABODY, *Governor*, *Denver*, *Colo.:*

Mailed letter to you yesterday referring to section 5297 of the United States Revised Statutes.

ELIHU ROOT, *Secretary of War.*

[War Department telegram—Official business.]

NOVEMBER 19, 1903.

Hon. JAMES H. PEABODY,
Governor of Colorado, *Denver*, *Colo.:*

Your telegraphic dispatch to the President dated November 18 has been referred to this Department for answer and such action as may be appropriate. The President has no lawful authority to comply with the request contained in this dispatch. His authority in such cases is regulated by title 69 of the United States Revised Statutes. The circumstances detailed in your dispatch indicate that if any of the provisions of that title are applicable they are the provisions to be found in section 5297. Under that section disturbance must amount to an insurrection against the government of the State, and there must be an application by the legislature of the State if it is in session or can be convened, or if it is not in session or can not be convened, then by the executive. Upon such application the President is authorized to employ such part of the military forces of the United States as he deems necessary and sufficient to suppress such insurrection. He can not place such forces at the disposal of the governor of the State, but must himself direct their operations, and he must be furnished with such facts as shall enable him to judge whether the exigency has arisen upon which the Government of the United States is bound to interfere. Such exigency requires both that there shall be a disturbance amounting to an insurrection against the State, and that it is beyond the power of the civil police and military forces of the State to control.

E. ROOT, *Secretary of War.*

[Telegram—Official business.]

OFFICE OF CHIEF OF STAFF,
Washington, *November 20*, *1903.*

Major-General BATES, *Chicago*, *Ill.:*

The Secretary of War directs that you proceed with all convenient speed to Denver, Colo., and such other points within that State as may be necessary and inquire into the conditions of lawlessness and disturbance reported to exist within that State, and make full report to the Department as to whether such disturbance amounts to insurrection against the authority of the State and whether the police and military forces of the State have been used for the suppression of the insurrection to such an extent as to justify the President in the conclusion that the military forces of the United States are necessary for the suppression of insurrection in the State, and on completion this duty you return to your proper station. The travel enjoined is necessary for the public service.

YOUNG,
Lieutenant-General, Chief of Staff.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, November 20, 1903.

Maj. Gen. JOHN C. BATES,
Care Commanding General,
Department of the Colorado, Denver, Colo.

SIR: Telegraphic orders sent you this date direct you to proceed to Denver, Colo., and such other points within that State as may be necessary, for the purpose of making inquiry into labor disturbances reported as existing within that State, with a view to advising the Department what necessity, if any, exists for the employment of troops of the United States in the suppression of these disturbances upon requisition by the proper State authorities. These orders are based upon the following instructions of the Secretary of War:

> WAR DEPARTMENT,
> OFFICE OF THE SECRETARY.
>
> *Memorandum for the Chief of Staff.*
>
> Instruct Major-General Bates to proceed to Colorado and inquire into the conditions of lawlessness and disturbance in that State and report to the Department with all convenient speed whether such disturbance amounts to insurrection against the authority of the State and whether the police and military forces of the State have been used for the suppression of the insurrection to such an extent as to justify the President in the conclusion that the military forces of the United States are necessary for the suppression of insurrection in the State.
>
> E. ROOT, *Secretary of War.*
>
> NOVEMBER 19, 1903.

Inclosed herewith you will find copies of the telegraphic correspondence which led up to the issuing of the instructions embodied in the foregoing memorandum. From this correspondence it appears that the governor of the State of Colorado has addressed a call to the President for United States troops, representing that in a single county of that State (San Miguel) there exists unlawful, armed, and organized opposition to the local authorities with which the sheriff is unable to cope and that the State has exhausted every means at its command to suppress lawlessness there and elsewhere within the State. Your attention is invited to the reply of the Secretary of War to this call, more particularly to that portion where, citing the law applicable to such cases as appear to have arisen within that State (section 5297, R. S.) he points out the fact that the disturbances made the basis of a call by a State upon the General Government for troops must, in order to justify compliance, amount to an insurrection against the government of that State beyond the power of its civil and military authorities to control. Your investigation will be directed primarily to this point, and you will bear in mind that compliance with such a call as is here made is, under well-established precedents, not to be ordered as a matter of convenience and for the suppression of a mere disturbance, but must in every instance be based upon urgent necessity proceeding from open, organized, and armed opposition to the execution of the laws of the State which the State authorities, civil and military, are clearly unable to overcome.

Under other statutory provisions with which you are doubtless familiar the General Government may lawfully employ its troops in the suppression of lawlessness within a State without the formality of a call by the State authorities. Occasions for such direct employment of troops of the United States arise when the due carriage of its mails is obstructed or impeded by lawlessness, or when trade and commerce are to be protected against unlawful restraints, and generally, when in the judgment of the President of the United States, it has become impracticable, because of unlawful combinations or assemblages of persons, insurrection, violence, or conspiracy, to enforce by the ordinary course of judicial proceedings the laws of the United States within a State or Territory (see sections 3995, 5298, 5299, R. S., and act of July 2, 1890). While it has not been brought to the attention of the Department that these laws or any of them have been violated as the result of the disturbances within the State of Colorado, or that any violations of said laws are probable, still your investigation should cover this possible phase of the situation, in order that the Department may be fully advised as to whether there has arisen within the State of Colorado any occasion for the employment of troops of the United States.

Very respectfully,

[SEAL.]

S. B. M. YOUNG,
Lieutenant-General, Chief of Staff.

DENVER, COLO., *November 29, 1903.*

Lieut. Gen. S. B. M. YOUNG,
Chief of Staff, U. S. Army, Washington, D. C.

SIR: I have the honor to report in compliance with instructions contained in your telegram of November 20.

I proceeded to Denver, Colo., reaching there November 22; saw Governor Peabody the same day, and left for Cripple Creek and Telluride, returning to Denver the 27th, and had a second interview with Governor Peabody.

I find that the disturbances at both Cripple Creek and Telluride amounted to insurrection against the State of Colorado, in that mining, milling, and other business was suspended there by reason of intimidation, threats, and violence, and that the civil officers were not able to, or did not, maintain order.

The militia of the State has been employed, and is is now employed at both Cripple Creek and Telluride. I think the employment of the State troops necessary at both those points, and that they are now giving proper protection to life and property. At Cripple Creek work has been resumed at the mines, and at Telluride one mine has resumed operations, and owners inform me they propose to open other mines as rapidly as they can secure workmen. It is probable that military guards will have to be maintained at the points mentioned for some time, but I understand it is the intention to reduce the force as rapidly as circumstances warrant, though, in my opinion, no material reduction can safely be made for some months. At this time United States troops are not needed.

There is an unsettled condition at the coal mines, both in the Trinidad or southern district and the new or northern district, which may develop into such disorder as to require the use of troops. Should this occur while the whole available force of State troops is employed at Cripple Creek and Telluride, which is now the case, I think Federal troops will then be needed. At present, I understand no violence is being offered in the coal districts. But little coal is now being mined in the Trinidad district and none in the northern district. Efforts are being made to increase the output from the former and to open up the northern mines.

The strength of the militia at Cripple Creek and Telluride is at present between 300 and 400 men at each place. The governor informs me that he is recruiting and will fill up the several organizations, which will give an approximate strength of 1,000, before organizing new ones, and that he proposes to increase the guard and to form new organizations so as to give a strength of 2,500 to the whole guard.

I learned of no conditions, such as interference with United States mails, etc., that would make it the duty of the Federal Government to interfere without application from State authorities.

Very respectfully,

[SEAL.]

J. C. BATES,
Major-General, U. S. Army.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, June 15, 1904.

SIR: Doctor Brooks has informed me of your desire for a statement as to what "the law allows the President of the United States to do in the way of an investigation in a situation similar to that which exists in Colorado."

In compliance with your desire, I beg to say that I know of no law which would authorize you to make an investigation with special reference to labor difficulties, except the act of June 13, 1888, establishing a department of labor. By that act the Commissioner of Labor is "especially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress." "He is also authorized to make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it."

By direction of the honorable Secretary of Commerce and Labor, Mr. Walter B. Palmer, a special agent of this Bureau, was dispatched on May 2 to Colorado for the purpose of making an investigation into the labor difficulties existing in certain sections of that State. Mr. Palmer has not yet completed this investigation.

Subsequent to the date of Mr. Palmer's assignment (on May 16), the Commissioner of Labor arranged with Dr. John Graham Brooks to conduct a similar investigation in that State, the results of which he has made known to you. These investigations have been carried on quietly and without the knowledge of the general public, the object being to secure the fullest and most perfect knowledge of the situation in Colorado.

The arbitration act of June 1, 1898, which has for its object the arbitration of labor disputes between common carriers engaged in interstate commerce and their employees, does not in any way apply to the present situation.

I have the honor to be, very respectfully,

G. W. W. HANGER,
Acting Commissioner.

The PRESIDENT.

OYSTER BAY, N. Y., *August 25, 1904.*

SIR: I send you herewith various papers calling for action through the Department of Justice in reference to the troubles in the mining regions of Colorado. You will please direct one of your representatives to proceed immediately to Colorado and make a thorough investigation, which shall be expedited as far as is consistent with thoroughness. In the representations that have been made to me it is claimed that the conditions in Colorado are such that the disturbances come within the field of Federal jurisdiction and call for action by the President. The matter is one of such importance that I shall request you to choose a representative in whose fidelity and judgment you have peculiar confidence. Let this representative get in touch with the representative of the Bureau of Labor who, I understand, is still in Colorado, and let him lay before you for submission to me a full statement of all the facts in the case.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. WM. H. MOODY,
Attorney-General.

OYSTER BAY, N. Y., *September 6, 1904.*

MY DEAR COLONEL WRIGHT: In a letter recently received from John H. Murphy, the counsel for the Western Federation of Miners, among numerous complaints, for the most part substantially repetitions of what has already been alleged, it is further alleged that by mob violence the miners are prevented from taking advantage of the mineral land laws of the United States, a case being thereby created which calls for Federal action. Would you have your representative who is now in Colorado investigate this charge? Will you also direct him to report to the United States district attorney at Denver, whom the Attorney-General has asked to look into certain features of the complaint of Mr. Murphy? I should like him to be in touch with him as soon as possible.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CARROLL D. WRIGHT,
Commissioner of Labor.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, September 8, 1904.

MY DEAR MR. PRESIDENT: I have yours of the 6th instant, and have the honor to inform you that I have directed our agent in Colorado to investigate without delay the alleged violation by mob violence of the mineral land laws of the United States. He will put himself in touch with the district attorney at Denver.

I am, with the highest regard, sincerely, yours,

CARROLL D. WRIGHT,
Commissioner.

The PRESIDENT.

WHITE HOUSE,
Washington, September 28, 1904.

MY DEAR MR. ATTORNEY-GENERAL: I inclose herewith a report of Carroll D. Wright on the labor disturbances in Colorado. This is not the final report, which he is not yet ready to make, but it is a report covering, as he deems, sufficient ground to enable us to decide whether there is any right or power of interference by the Federal Government in the premises. Will you take this report and consider it, together with the report of the investigation you are having made by the district attorney in Colorado, and report thereon to me?

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. WM. H. MOODY,
Attorney-General.

WHITE HOUSE,
Washington, September 28, 1904.

MY DEAR COMMISSIONER WRIGHT: I have received your very interesting report and inclosures, and have read them with the utmost care. I have submitted them to Mr. Moody to consider in connection with the investigation the Department of Justice has been making on its own account, and to report thereupon to me as to whether I can take any action.

When will you have the full report on the situation ready?

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CARROLL D. WRIGHT,
Commissioner of Labor.

WHITE HOUSE,
Washington, November 17, 1904.

MY DEAR COLONEL WRIGHT: After considering our conversation of the other day I have come to the conclusion that the report on the Colorado situation should be sent to Congress and made public. I shall ask you, therefore, at your convenience, to make the final report to me. Of course I should like to have this done as soon as possible.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. CARROLL D. WRIGHT,
Commissioner of Labor,
Department of Commerce and Labor.

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., December 1, 1904.

SIR: I have received from the United States attorney for the district of Colorado his report of what was done by him during the last summer and fall with reference to the labor disturbances at Cripple Creek. In substance, he reports his conference with Messrs. Murphy and Hangs, attorneys for the Western Federation of Miners, and shows clearly that every opportunity was given them to present any Federal question which they believed had arisen during the disturbances. The relations between the district attorney and complainants' counsel have been frank and amicable, and although having full opportunity to do so they did not ask any specific presentment to the grand jury. I do not forward this report to you, but hold it subject to any instructions which you may have to make.

Very respectfully,

W. H. MOODY.

The PRESIDENT, *White House.*

DEPARTMENT OF JUSTICE,
OFFICE OF U. S. ATTORNEY, DISTRICT OF COLORADO,
Denver, Colo., November 26, 1904.

The ATTORNEY-GENERAL,
Washington, D. C.

SIR: Complying with your request of the 23d instant, received today, for a report touching the treatment by this office of the various complaints informally made to it in matters growing out of the labor disturbances at Cripple Creek, I respectfully advise you as follows:

Early in the recent controversy, and perhaps a year or more ago, Mr. John H. Murphy, attorney for the Western Federation of Miners, on divers occasions called our attention to alleged infractions of the rights of citizens under the Federal Constitution on the part of the governor of the State and the National Guard officers, presumably acting under his orders. No complaints were formally made, but the first discussion we had with Mr. Murphy, as we recollect it, was as to whether or not the governor and his subordinates, in arresting certain alleged disturbing and lawless characters in the Cripple Creek district and throwing them into the "bull pen," had violated any of their rights under the Federal Constitution, so as to present a case for Federal interference.

Without going into any detail upon this phase of our discussion with Mr. Murphy, it may be sufficient to say that after hearing him freely the office took the position that no question had been presented to it which warranted or authorized any Federal interference. At the same time we told Mr. Murphy that we would gladly hear from him further in the premises, and advised him to submit anything further which he might have, and the whole matter was left open to him by us for further conference. After a few visits to the office he dropped this proposition entirely, and accepting this action on his part as an acquiescence in the views of this office I gave the subject no further thought and did not reduce to writing for permanent preservation the matters which transpired at the various interviews.

Affairs at Cripple Creek drifted along during the months immediately succeeding without any actual presentation to our office of any suggestions of Federal interference, although various newspapers from time to time discussed it, and the subject was kept thoroughly before the public mind by those who desired such interference. During last summer, and I think shortly after the first of August, while I was out of the city, the attorneys for the Western Federation of Miners presented to Commissioner Capron four complaints alleging that certain individuals resident in the Cripple Creek district had conspired, combined, and confederated together to drive from their homes and into exile certain citizens of the Cripple Creek district, in violation of section 5508 of the Revised Statutes. The commissioner, doubting his jurisdiction, consulted my assistant, Mr. Knaebel, who was of the opinion (and so advised the commissioner) that the acts complained of did not present a question for Federal interference, for the reason that it nowhere appeared in any of the complaints that the alleged conspiracy was for the purpose, directly or indirectly, of depriving any person of a right secured to him by the Constitution or laws of the United States. No warrants were therefore issued, and the matter thus rested until my return. The commissioner having stated to complainants' counsel that no warrants would issue until the district attorney's office was consulted, complainants' counsel consented to this arrangement, and, to the end that an amicable understanding might be reached between them and the Government officers, it was agreed that Commissioner Capron might hold in abeyance the matter of issuing the warrants until conferences might be had between the district attorney and the attorneys for the Western Federation of Miners, who also at this time were representing the complaining individuals in the Cripple Creek district.

On my return the matter was called to my attention by Mr. Knaebel and subsequently by Commissioner Capron, and we promptly communicated with Mr. Murphy and with Messrs. Richardson and Hawkins, who, we had been advised, had become connected with Mr. Murphy in the conduct of the cases, and sought to obtain a conference for the discussion of Federal jurisdiction in the matters complained of. I attach to this letter, and mark Exhibits A, B, C, and D the four complaints in question.

Some time after the filing of the complaints with Commissioner Capron we had a conference at the district attorney's office with Messrs. Murphy and Hangs. We progressed no further at this interview, however, than to receive a statement from Mr. Murphy as to his position in the matter and to reply on our part that we would hear anything which he had to present in support of Federal jurisdiction. Mr. Murphy at that time had a few authorities which he wanted us to examine, and he stated that, as he himself was about to leave for the East, we might confer further with Mr. F. J. Hangs as occasion arose, and that whatever Mr. Hangs did in the premises would be satisfactory to him. Before leaving the office Mr. Hangs said, in response to our invitation to present to us facts and any further authorities he might have, that he expected to be able to do so within a few days, probably three or four. We thereafter examined the cases suggested to us and others touching the same subject, and our first opinion, that no ground for Federal jurisdiction existed, was strengthened.

Not hearing from Mr. Hangs within the time expected, except in a brief personal interview in which he stated that he thought he would have some matters to present to us in a couple of days, we thereafter addressed him a letter, a copy of which we herewith attach and mark "Exhibit E."

Inasmuch as I had previously told Mr. Hangs that in my judgment their complaints revealed no facts calling for Federal action, the attitude of our office had disposed of all pending matters in the absence of a further showing from him. To the letter above named I received no reply.

About this time a representative of the Bureau of Labor called upon me, but he had no facts to submit in addition to those already placed before the office by Messrs. Murphy and Hangs, so that the situation was in nowise altered. At my suggestion he remained in town and subject to my call for a number of days, awaiting further advices from Mr. Hangs, it being my purpose to have him promptly investigate any additional matters of fact which Mr. Hangs might submit.

On September 15 I informed you by wire as to the situation, and followed the wire by an explanatory letter. Not receiving any reply to my letter of September 15 to Mr. Hangs, I wrote him again upon

September 19 a letter, of which I attach a copy marked "Exhibit F." To this letter likewise I received no reply.

Inasmuch as some of the matters complained of were claimed by counsel to be subject to procedure under our criminal statutes, I addressed to Mr. Hangs upon October 8 a letter, of which I herewith attach a copy marked "Exhibit G." To this letter likewise I received no reply. The session of the grand jury followed in a few days, and no one appeared to make any complaints growing out of the Cripple Creek troubles. Thereupon, and on the 14th of October, I advised you to this effect, and in my letter inclosed a copy of the communication of October 8, which I had written to Mr. Hangs. That communication to you closes the written official record of the matter at this end of the line.

Throughout the entire controversy the relations between this office and complainants' counsel have been exceedingly frank and amicable. While Mr. Murphy urged his views with great earnestness, he was appreciative of the consideration which the office endeavored to show him, and while he did not agree with our ultimate conclusion upon the various subjects, he gave us full credit for treating him fairly and candidly; and the same thing can be said of our relations with Mr. Hangs, with the additional suggestion that by acquiescence at least, he agrees with our conclusions, inasmuch as it was understood that if he reached a contrary opinion upon careful investigation he would notify us within a week; and more than two months have passed without any such notification.

Very respectfully,

EARL M. CRANSTON,
United States Attorney.

EXHIBIT A.

UNITED STATES OF AMERICA, *District of Colorado, ss.:*

Before me, Adolphus B. Capron, a commissioner of the United States for the district of Colorado, personally appeared this day John Harper, who, being first duly sworn, deposes and says: That on the 1st day of July, A. D. 1904, at Teller County, in said district, Nelson Franklin, F. D. French, J. B. Cunningham, H. G. Moore, and others unknown to the affiant, in violation of section 5508 of the Revised Statutes of the United States, did unlawfully, maliciously, and feloniously conspire, combine, and confederate together, and with other persons whose names are not known to affiant, to injure, oppress, threaten, and intimidate affiant in the free exercise and enjoyment of rights and privileges secured to him by the Constitution and laws of the United States in this, to wit: That the said Nelson Franklin, F. D. French,

J. B. Cunningham, H. G. Moore, and others whose names are unknown to the affiant, maliciously conspired, combined, and confederated together to unlawfully and maliciously circulate false and scandalous reports of and concerning affiant to the effect that he was unfit to reside or live in Teller County, for the purpose of inflaming the public mind and particularly the minds of the inhabitants of said county against him, and also the object of said conspiracy was to forcibly drive this affiant from his home in said Teller County and out of said county and to prevent his free return to said county in said district. That in pursuance of said conspiracy, combination, and confederacy, although affiant was prior thereto and at the time mentioned in this complaint a citizen of the United States and a resident of said Teller County, he, the said affiant, was forcibly driven from his home in said county and out of said county in said district, and is, by reason of said conspiracy, combination, and confederacy, prevented from returning thereto.

Deponent further says that he has reason to believe, and does believe, that George Hubbard, Charles Weld, James Wright, Charles A. Sullivan, Mike Tolan, Ed. Gibbons, Hugh Healey, John Ketelson, Morris Empty, Frank Stineheimer, John Edward, Sherman M. Bell, and Colonel Verdeckberg are material witnesses to the subject-matter of this complaint.

—— ——.

Sworn to before me and subscribed in my presence this — day of August, 1904.

—— ——,

United States Commissioner for the District of Colorado.

Exhibit B.

United States of America, *District of Colorado, ss.:*

Before me, Adolphus B. Capron, a commissioner of the United States for the district of Colorado, personally appeared this day Joe O'Brien, who, being first duly sworn, deposes and says: That on the 24th day of June, A. D. 1904, at Teller County, in said district, H. McGary, Nelson Franklin, F. D. French, J. B. Copeland, Frank M. Reardon, T. J. Dalzell, J. B. Cunningham, Frank M. Wood, and others unknown to the affiant, in violation of section 5508 of the Revised Statutes of the United States, did unlawfully, maliciously, and feloniously conspire, combine, and confederate together, and with other persons whose names are not known to affiant, to injure, oppress, threaten, and intimidate affiant, in the free exercise and enjoyment of rights and privileges secured to him by the Constitution and laws of the United States in this, to wit: That the said H. McGary, Nelson

Franklin, F. D. French, J. B. Copeland, Frank M. Reardon, T. J. Dalzell, J. B. Cunningham, Frank M. Wood, and others whose names are unknown to the affiant, maliciously conspired, combined, and confederated together to unlawfully and maliciously circulate false and scandalous reports of and concerning affiant to the effect that he was guilty of criminal acts and unfit to reside or live in Teller County, for the purpose of inflaming the public mind and particularly the minds of the inhabitants of said county against said affiant, and also, as a further object of said conspiracy, to forcibly drive this affiant from his home in said Teller County and out of said county, and to prevent his return to said county in said district, having for its object and purpose the preventing of the said affiant from resorting to the courts in said Teller County, so that he might have the benefit of due course of law and the equal protection of the laws. That in pursuance of said conspiracy, combination, and confederacy, although affiant was prior thereto and at the time mentioned in this complaint, a citizen of the United States and a resident of said Teller County, said affiant was forcibly driven from his home in said county and out of said county, in said district, and is by reason of said conspiracy, combination, and confederacy prevented from returning thereto.

Deponent further says that he has reason to believe, and does believe, that George Hubbard, Charles Weld, James Wright, Charles A. Sullivan, Mike Tolan, Ed. Gibbons, Hugh Healey, John Ketelson, Morris Empty, Frank Stineheimer, Sherman M. Bell, and Colonel Verdeckberg are material witnesses to the subject-matter of this complaint.

JOE O'BRIEN.

Sworn to before me and subscribed in my presence this 6th day of August, 1904.

ADOLPHUS B. CAPRON,
United States Commissioner for the District of Colorado.

EXHIBIT C.

UNITED STATES OF AMERICA, *District of Colorado, ss.:*

Before me, Adolphus B. Capron, a commissioner of the United States for the district of Colorado, personally appeared this day John Harper, who, being first duly sworn, deposes and says: That on the 1st day of July, A. D. 1904, at Teller County, in said district, Nelson Franklin, F. D. French, J. B. Cunningham, H. G. Moore, and others unknown to the affiant, in violation of section 5508 of the Revised Statutes of the United States, did unlawfully, maliciously, and feloniously conspire, combine, and confederate together, and with other persons whose names are not known to affiant, to injure, oppress, threaten, and intimidate affiant in the free exercise and enjoyment of rights and privileges secured to him by the Constitution and laws of the United States in this, to wit: That the said Nelson Franklin, F. D. French, J. B. Cunningham, H. G. Moore, and others whose names are unknown to the affiant, maliciously conspired, combined, and confederated together to unlawfully and maliciously circulate false and scandalous reports of and concerning affiant to the effect that he was unfit to reside or live in Teller County, for the purpose of inflaming the public mind and particularly the minds of the inhabitants of said county against him, and also the object of said conspiracy was to forcibly drive this affiant from his home in said Teller County and out of said county, and to prevent his free return to said county in said district. That in pursuance of said conspiracy, combination, and confederacy, although affiant was prior thereto and at the time mentioned in this complaint a citizen of the United States and a resident of said Teller County, he, the said affiant, was forcibly driven from his home in said county and out of said county, in said district, and is by reason of said conspiracy, combination, and confederacy prevented from returning thereto.

Deponent further says that he has reason to believe, and does believe, that George Hubbard, Charles Weld, James Wright, Charles A. Sullivan, Mike Tolan, Ed Gibbons, Hugh Healey, John Ketelson, Morris Empty, Frank Stineheimer, John Edward, Sherman M. Bell, and Colonel Verdeckberg are material witnesses to the subject-matter of this complaint.

JOHN HARPER.

Sworn to before me and subscribed in my presence this 8th day of August, 1904.

ADOLPHUS B. CAPRON,
United States Commissioner for the District of Colorado.

EXHIBIT D.

UNITED STATES OF AMERICA, *District of Colorado, ss.:*

Before me, Adolphus B. Capron, a commissioner of the United States for the district of Colorado, personally appeared this day Ed Corbett, who, being first duly sworn, deposes and says: That on the 29th day of June, A. D. 1904, at Teller County, in said district, H. McGary, Nelson Franklin, F. D. French, J. B. Copeland, Frank M. Reardon, T. J. Dalzell, J. B. Cunningham, A. T. Holman, Frank Woods, and others unknown to the affiant, in violation of section 5508 of the Revised Statutes of the United States, did unlawfully, maliciously, and feloniously conspire, combine, and confederate together and with other persons, whose names are not known to affiant, to injure, oppress, threaten, and intimidate affiant in the free exercise and enjoyment of rights and privileges secured to him by the Constitution and laws of the United States in this, to wit: That the said H. McGary, Nelson Franklin, F. D. French, J. B. Copeland, Frank M. Reardon, T. J. Dalzell, J. B. Cunningham, A. T. Holman, Frank Woods, and others, whose names are unknown to the affiant, maliciously conspired, combined, and confederated together to unlawfully and maliciously circulate false and scandalous reports of and concerning affiant to the effect that he was guilty of criminal acts and unfit to reside or live in Teller County, for the purpose of inflaming the public mind and particularly the minds of the inhabitants of said county against said affiant, and also to forcibly drive this affiant from his home in said Teller County and out of said county and to prevent his return to said county in said district, thereby preventing, obstructing, and hindering this affiant, a duly registered voter in said county, from voting, as he desired to do, for member of Congress of the United States, and also from voting, as he desired so to do, for electors for President and Vice-President of the United States, who are to be voted for at the general election to be held in said Teller County on the second Tuesday after the first Monday in November, to wit, on the 8th day of November, 1904. That in pursuance of said conspiracy, combination, and confederacy, although affiant was prior thereto and at the time mentioned in this complaint, a citizen of the United States and of the State of Colorado and a resident of said Teller County since 1875, he, the said affiant, was forcibly driven from his home in said county and out of said county in said district and threatened with great bodily violence or death should he return; and said affiant is by reason of said conspiracy, combination, and confederacy prevented, without imminent peril to this life, from returning to said county in said district and from voting, as aforesaid, and from exercising his other legal rights under the laws of the United States.

Deponent further says that he has reason to believe, and does believe, that George Hubbard, Charles Weld, James Wright, Charles A. Sullivan, Mike Tolan, Ed Gibbons, Hugh Healey, John Kittleson, Morris Empty, Frank Stineheimer, Sherman M. Bell, Colonel Verdeckberg are material witnesses to the subject-matter of this complaint.

ED CORBETT.

Sworn to before me and subscribed in my presence this 6th day of August, 1904.

ADOLPHUS B. CAPRON,

United States Commissioner for the District of Colorado.

EXHIBIT E.

DENVER, COLO., *September 15, 1904.*

MY DEAR SIR: Within the next few days our entire office force will be engaged in the preparation of our semiannual grist of cases for the grand jury, which will demand almost undivided attention for several weeks, excluding all other work. In view of this fact, I write to urge that you hasten, with all possible speed, the presentation to us of the controversies growing out of the recent labor troubles in this State, which have heretofore been made a matter of complaint by you and your associates.

You will recollect that about a week ago, when you and Mr. Murphy called at this office to suggest consideration of the recent phases of the trouble, Mr. Murphy stated to me that he was just leaving for the East, and that all these matters would in his absence be left in your charge; and that on Saturday, the 10th, when you and I had a conference upon the subject, it was arranged that you should on Monday, the 12th, furnish me with a written statement of the facts, accompanied by a brief of the authorities on which you relied, in order that I might consider them. The absence of Mr. Murphy seems to render promptness on your part more imperative. I assume that you have been unavoidably delayed in the work, and trust that within the next few days you may be able to make your showing.

Very truly, yours,

——— ———,
United States Attorney.

Hon. FRANK J. HANGS,
Care of The Tremont, Sixteenth and Tremont streets,
Denver, Colo.

EXHIBIT F.

DEPARTMENT OF JUSTICE,
OFFICE UNITED STATES ATTORNEY, DISTRICT OF COLORADO,
Denver, Colo., September 19, 1904.

DEAR SIR: Last week I addressed you a letter, of which the inclosed is a copy, in care of the Tremont, corner of Tremont and Sixteenth streets, Denver, which I fear may not have reached you, from the fact that I have received no answer. I therefore now repeat it to you, at Cripple Creek.

Very truly, yours,

——— ———,
United States Attorney.

Hon. FRANK J. HANGS,
Cripple Creek, Colo.

Exhibit G.

Denver, Colo., *October 8, 1904.*

Dear Sir: You will recollect that some weeks ago we had a conversation concerning certain matters which, in the opinion of some of your associates, ought to be brought before the United States courts. We desire to say that the grand jury meets at Pueblo on the 10th instant, and will remain in session until the latter part of the week. If you have any matters not heretofore presented to us that would properly come within its cognizance, we request that you submit them to it some time between the 10th and the 14th instant.

Yours, very truly,

—— ——,
United States Attorney.

Hon. Frank J. Hangs,
Cripple Creek, Colo.

REPORT OF THE COMMISSIONER OF LABOR ON THE LABOR DISTURBANCES IN COLORADO.

LETTERS OF TRANSMITTAL.

Department of Commerce and Labor,
Office of the Secretary,
Washington, January 21, 1905.

I have the honor to transmit herewith a report, prepared under the direction of the Commissioner of Labor, which relates to labor disturbances in the State of Colorado for a period of twenty-five years, from 1880 to 1904, inclusive.

Respectfully,
V. H. Metcalf,
Secretary.

The President.

Department of Commerce and Labor,
Bureau of Labor,
Washington, D. C., January 20, 1905.

Sir: I have the honor to hand you herewith a report on the labor disturbances in the State of Colorado. This report comprehends a straightforward history of labor disturbances in that State for a period of twenty-five years. It relates to strikes in the mining industry, and contains accounts of 13 different strikes—practically all the more serious labor disturbances in the State during the period named.

The first strike of which an account is given occurred at Leadville in 1880, and the other twelve strikes occurred at various places from 1894 to 1904, inclusive. All these strikes were attended with much excitement and more or less disorder. During the twenty-five years covered by the report the State militia was ordered to the scenes of strikes as many as ten times—nine times during the eleven years 1894 to 1904, inclusive.

The accounts of all strikes previous to 1903, as given in this report, are based upon local histories, official reports of State officers, and records contained in the State library of Colorado.

The most extensive strike of 1903-4 was that of the gold miners at Cripple Creek. It was preceded by a strike of reduction-mill employees at Colorado City in February, 1903. The mill men, who were members of the Western Federation of Miners, struck because the Federation was endeavoring to organize the employees of the mill, the attempt at organization being resisted by the management. They did not strike to obtain eight-hour shifts, as is the general understanding. The miners at Cripple Creek belonging to the same organization struck to support the striking mill men. The miners had no grievance of their own, for eight hours had constituted a day's work in the Cripple Creek district for at least nine years.

An advisory board, appointed by Governor James H. Peabody, effected a temporary settlement, but the strike at Colorado City was renewed in July, 1903. The Cripple Creek miners went out again in August, 1903, in an effort to force the reduction mill to terms by cutting off its supply of ores. Since then the strike at Cripple Creek has been continuous, and has been one of the most prolonged and bitterly fought contests in the history of American labor. The strike has resulted very disastrously for the Western Federation of Miners, as it has entirely broken up that organization within the district, and no one known to be a member of it can now obtain employment in the mines.

A strike occurred at Telluride in the fall of 1903 and continued until the following year. This strike, excepting that at Cripple Creek, was the most serious one in the State during the last two years. It originated in a demand of mill men for eight-hour shifts. This was not granted until November, 1904, to take effect generally on December 1. On the granting of the eight-hour shift the Western Federation of Miners declared the strike off.

In 1903 there was also a strike for eight-hour shifts at Idaho Springs, but the number of striking miners there was small compared with the number at Cripple Creek or at Telluride. The strike at Idaho Springs was lost, the places of the union men soon being filled with nonunion men.

This report includes not only accounts of the strikes of metalliferous miners, but also an account of a very serious strike which began in the coal-mining regions of Colorado in November, 1903. A settlement was soon effected in the northern coal fields of the State, but in the southern fields the strike was lost to the miners after a contest continuing for nearly a year. The national officers of the United Mine Workers of America, realizing that the strike was a failure, withdrew their support in June, 1904, but the local leaders of the union in Colorado continued their efforts to keep the strikers from returning to work for three or four months longer.

The deportations of persons, one of the incidents of the strikes of 1903-4, have attracted general public attention. The record, however, shows that there were deportations of individuals in the strikes of previous years. At Leadville in 1880 union miners were forced by a citizens' committee to leave the camp. At Lake City in 1899 the mine managers forced union Italian miners to leave the camp. At Telluride in 1901 nonunion men were deported by union miners. At Victor in 1903 foreign nonunion miners were deported by union miners. At Idaho Springs in 1903 union men were deported by citizens. In 1904 the military authorities in the Cripple Creek district deported bodies of striking miners, some of them to Kansas and New Mexico, and after the withdrawal of the militia some persons were deported by citizens. At Telluride in 1904 bodies of union miners were deported by the military authorities, civil authorities, and the Citizens' Alliance. In 1904 striking coal miners were deported by the military authorities from Trinidad to New Mexico.

These general statements indicate that a report upon the disturbances in Colorado must necessarily be somewhat lengthy and exhaustive. To gather the facts regarding the strikes of 1903–4 the agent of the Bureau visited the various localities involved and obtained statements from the mine managers and from the union officials. He also interviewed officials of the State, of the Mine Owners' Association at various places, of the Citizens' Alliance, and citizens generally. An effort was made to collect complete information about the questions at issue in the various strikes and to present them clearly. On many points of controversy the report includes quotations from official announcements and signed statements issued by the two parties to the contests, presenting their divergent views.

Copies of sections of this report which relate to the origin of the metalliferous strikes have been submitted for review to the leaders on both sides, and the few comparatively unimportant suggestions which they made have been given full consideration, and in several instances have been incorporated in the text.

The strikes of 1903–4 were a serious interruption to the mining industry of the State, but the actual loss to the mine owners amounted only to the interest on the capital invested and the fixed charges of the properties during the period of idleness. The ores which would have been mined during that period remained in the earth to be taken out later. It is impossible at the present time to give an estimate of the losses to the mine owners and the miners during the last two years.

Preceding the accounts of labor disturbances there is given a sketch of the Western Federation of Miners, a sketch of the Citizens' Alliance, and a record of the legislative enactments and judicial decisions bearing upon the question of limiting the labor of persons engaged in the mining industry in Colorado to eight hours per day. The Western Federation of Miners, composed of metalliferous miners, was founded in 1893, and it has been involved in all notable strikes in the gold-mining camps of Colorado since that time. The Citizens' Alliance was organized in Colorado in 1903, for the purpose of discouraging strikes, lockouts, and boycotts, and during the strikes of 1903–4 it was closely connected with the Mine Owners' Associations in the various mining districts.

The severity of the various disturbances of which this report is a record is very clearly indicated by the last chapter (XXXIV), showing the expense of military campaigns in Colorado from 1880 to 1904, inclusive.

The general public is impressed with the idea that the labor disturbances which have occurred of late in Colorado involved practically the whole of that State. As a matter of fact, out of the 59 counties in the State disturbances have occurred in only 4. Though the strike of coal miners embraced other localities, peaceful conditions have prevailed in all counties except Clear Creek, Las Animas, San Miguel, and Teller.

The materials for this report have been collected and prepared under my immediate supervision by Mr. Walter B. Palmer, one of the special agents of the Bureau of Labor, and I wish to express to him my full appreciation of the faithfulness and efficiency with which he has carried out his delicate commission. Mr. Palmer began his investigations in May last, and has pursued them continuously and industriously until the present time.

I am, very respectfully,

CARROLL D. WRIGHT,
Commissioner.

The honorable SECRETARY OF COMMERCE AND LABOR.

CHAPTER I.

WESTERN FEDERATION OF MINERS.

The oldest miners' union in the world is the one at Virginia City, Nev. It was organized on July 4, 1867, and has maintained a continuous existence to the present time. It was not represented at the organization of the Western Federation of Miners in 1893, and did not identify itself with that organization until several years later.

Some form of organization among the metalliferous miners in Colorado has been in existence since 1879. The first union composed of hard-rock miners in that State of which there is any record was organized at Leadville. It was publicly known as the Miners' Cooperative Union, but in reality it was a Knights of Labor assembly, working in secret. It was chartered in January, 1879, as is shown by the records of the general office of the Knights of Labor. It was the second Knights of Labor assembly organized in Colorado. The first one was composed of coal miners at Erie, and its charter was issued in August, 1878. The Cooperative Miners' Union, as it was called, was involved in the strike at Leadville in 1880. The membership of this union largely increased during the progress of the strike, and at its close included nearly all the miners in that camp.

A miners' union, with 85 chartered members, was organized at Leadville in May, 1885. Within two years it reached a membership of about 600, and in 1889 it was chartered as an assembly of the Knights of Labor. From 1885 to 1890 several miners' unions were organized in the different mining camps in Colorado. They were entirely local. There was no affiliation between them, not even any arrangement for the exchange of working cards. Some of them became assemblies of the Knights of Labor, some went out of existence, while about four maintained a more or less active organization. In the spring of 1893, with the exception of the few local unions referred to, having a very small membership, the only organizations of miners in Colorado were the Knights of Labor assemblies that were composed exclusively of miners, of which assemblies there were several. There were, however, other metalliferous miners who belonged to Knights of Labor assemblies that were composed of workmen of various trades.

The Western Federation of Miners was organized at a convention held May 15, 1893, at Butte, Mont. The convention was composed of

40 delegates, viz: John McLeod, Patrick McKelvey, J. C. Darby, D. D. Goode, George Giles, William Durand, W. J. Wilson, William Bell, J. B. Fister, J. T. Beals, D. J. O'Donnell, James Leonard, Patrick Burk, Joseph Poynton, William Cunningham, Patrick Galagher, James H. Rowe, Thomas Knotwell, Andrew Osborn, Richard Waters, Stephen Williams, R. M. Nettle, Archie Gibson, T. J. McLennan, James Millett, John Duggan, Thomas O'Brien, Peter McGowan, Charles J. Butler, Peter Timmons, Stephen Nicholas, Patrick Clifford, George R. Smith, John L. Williams, Thomas McLaughlin, T. Malowin, Charles O'Brien, Bart Maloy, John Gilligan, and Charles Aetis.

These delegates represented 15 unions of miners, as follows: Aspen, Creede, Ouray, and Rico, Colo.; Butte, Bannock, Barker, Belt Mountain, and Granite, Mont.; Burke, Gem, and Mullan, Idaho; Central City and Lead City, S. Dak.; Eureka, Utah.

The convention was called to order by John McLeod, of South Dakota, temporary chairman, and Thomas Malowin, of Montana, temporary secretary. The organization was made permanent and designated the "Western Federation of Miners of America." John Gilligan was elected president and W. J. Weeks secretary-treasurer.

The organization has grown from 15 local unions to over 200. It is not the policy of the federation to announce how many members it has, but a sketch of the organization in the report of the bureau of labor statistics of the State of Colorado for 1902 says that the federation had grown "from the small beginning of 14 unions, which took out charters when the organization was formed in 1893, to 165 unions, and the membership had increased from something like 2,000, or 2,500 at most, to about 48,000 in good standing." The membership is composed of miners, mill men, smelter men, and engineers.

The Western Federation of Miners has been involved in the strike in the Coeur d'Alenes, Idaho, in 1892–93; the strike at Cripple Creek, Colo., in 1894; the strike at Leadville, Colo., in 1896–97; the strike at Lake City, Colo., in 1899; the strike in the Coeur d'Alenes, Idaho, in 1899; the strike at Telluride, Colo., in 1901; the strike at Rossland, British Columbia, in 1901; the strike at Northport, Wash., in 1901; the strike at Colorado Springs, Colo., in 1903; the strike at Denver, Colo., in 1903; the strike at Idaho Springs, Colo., in 1903; the strikes at Cripple Creek, Colo., in 1903–4; the strike in the coal fields of Colorado in 1903–4, and in strikes of less importance at other places.

Following are the preamble and extracts from the constitution of the Western Federation of Miners as amended in May, 1903:

PREAMBLE.

We hold that all men are created to be free and should have equal access and opportunity to the enjoyment of all benefits to be derived from their exertions in dealing with the natural resources of the earth, and that free

access and equal opportunity thereto are absolutely necessary to man's existence and the upward progress of the human race. Since it is self-evident that civilization has, during centuries, made progress in proportion to the production and utilization of minerals and metals, both precious and base, and that most of the material prosperity and comforts enjoyed by mankind are due to this progress, it is highly fitting and proper that the men who are engaged in the hazardous and unhealthy occupation of mining, milling, smelting, and the reduction of ores should receive a just compensation for their labors, which shall be proportionate to the dangers connected therewith, and such protection from law as will remove needless risk to life or health, and for the purpose of bringing about and promoting these and other proper and lawful ends, and for the general welfare of ourselves, families, and dependent ones, we deem it necessary to organize and maintain the Western Federation of Miners, and, among our lawful purposes, we declare more especially our objects to be:

First. To secure compensation fully commensurate with the dangers of our employment and the right to use our earnings free from the dictation of any person whomsoever.

Second. To establish as speedily as possible, and so that it may be enduring, our right to receive pay for labor performed in lawful money and to rid ourselves of the iniquitous and unfair system of spending our earnings where and how our employers or their agent or officers may designate.

Third. To strive to procure the introduction and use of any and all suitable, efficient appliances for the preservation of life, limb, and health of all employees, and thereby preserve to society the lives and usefulness of a large number of wealth producers.

Fourth. To labor for the enactment of suitable laws and the proper enforcement thereof.

Fifth. To provide for the education of our children and to prohibit the employment of all children until they shall have reached at least the age of 16 years.

Sixth. To prevent by law any mine-owner, mining company, or corporation, or the agents thereof, from employing detectives or armed forces, and to provide that only the lawfully elected or appointed officers of the county, State, or province, who shall be bona fide citizens thereof, shall act in any capacity in the enforcement of the law.

Seventh. To use all honorable means to maintain and promote friendly relations between ourselves and our employers and endeavor, by arbitration and conciliation or other pacific means, to settle any difficulties which may arise between us, and thus strive to make contention and strikes unnecessary.

Eighth. To use all lawful and honorable means to abolish and prevent the system of convict labor from coming into competition with free labor and to demand the enforcement of the foreign contract labor law against the importation of pauper labor from any foreign country, and also to use our efforts to make it unlawful to bring persons from another State, Territory, or province to take the places of workingmen on a strike, or who may be locked out, by means of false representation, advertisements, or other misleading means.

Ninth. To demand the repeal of conspiracy laws that in any way abridge the right of labor organizations to promote the general welfare of their membership, and also to use our influence to bring about legislation which will prevent government by injunction by either Federal, State, or provincial courts. To procure employment for our members in preference to nonunion men, and in all lawful ways cooperate with one another for the purpose of procuring a just share of the product of our toil and mutual advancement in order that the general welfare of the membership and their families may be steadily advanced and promoted.

Tenth. To use our united efforts to discourage the contract-labor system and, as soon as practicable, to abolish the same, believing the said system to be detrimental to the best interests of organized labor.

CONSTITUTION.

ARTICLE I.

SECTION 1. This organization shall be known as the Western Federation of Miners, and shall be composed of all persons working in and around the mines, mills, and smelters organized into unions paying per capita tax to the Federation.

SEC. 2. The objects of this organization shall be to unite the various persons working in and around the mines, mills, and smelters into one central body, to practice those virtues that adorn society and remind man of his duty to his fellow-man, the elevation of his position, and the maintenance of the rights of the workers.

SEC. 3. Whenever 20 or more persons of any craft specified in section 1 of this article shall be found that will be self-supporting, they shall, on application, be granted a charter.

ARTICLE II.—CONVENTION.

SECTION 1. This Federation shall hold its annual convention on the fourth Monday in May, at such place as the convention shall designate before adjournment of any session thereof.

* * * * * * *

ARTICLE III.—OFFICERS.

SECTION 1. The officers of the Federation shall consist of a president, a vice-president, a secretary-treasurer, and an executive board of nine members, including the three general officers before named, of which the president shall be chairman, all of whom shall be elected from the delegates present by a majority of the votes cast at each annual convention, and shall hold office until their successors are duly elected and qualified and enter upon the duties of their office.

* * * * * * *

SEC. 6. The executive board shall constitute the Federation board of arbitration and conciliation, and between conventions have full power to direct the workings of the Federation.

* * * * * * *

SEC. 10. The territory covered by the Western Federation of Miners shall be divided into the following districts:

No. 1. California, Nevada, and Arizona.
No. 2. Washington, Oregon, and Idaho.
No. 3. Montana and Wyoming.
No. 4. Colorado, Utah, and New Mexico.
No. 5. South Dakota, Minnesota, Wisconsin, and Michigan.
No. 6. Territory north of United States boundary.
No. 7. Kansas, Missouri, Arkansas, Indian Territory, and Oklahoma.

Each of the districts herein designated shall be entitled to one representative on the executive board exclusive of the general officers, said representative to be an actual bona fide resident of the district he represents.

* * * * * * *

ARTICLE IV.—REVENUE AND DISBURSEMENTS.

SECTION 1. The revenue of the Federation shall be derived from a charter fee of $25 and an annual per capita tax of $2 per member in good standing, to be paid from the general fund of each union, quarterly in advance, and in case of emergency such assessment as in the judgment of the executive board may be necessary; the same shall be paid from the general fund and based on the preceding quarterly report previous to such assessment.

Until 1903 the article of the constitution relating to the calling of a strike consisted of two sections, as follows:

ARTICLE V.—STRIKES AND ADJUSTMENTS.

SECTION 1. It shall be unlawful for any union to enter upon a strike unless ordered by three-fourths of its resident members in good standing voting. Such questions shall be decided by a secret ballot at a special meeting called for that purpose, after having received the approval of the executive board of the Western Federation of Miners. Should any employer or employers attack the rights of the members of a union or its established principles without allowing the union sufficient time to notify the executive board of the proposed change, then the members shall have the right to declare a strike to maintain their rights. In this they shall be assisted by the executive board.

SEC. 2. Any contract or agreement entered into between the members of any local union and their employers as a final settlement of any difficulty or trouble that may occur between them shall not be considered valid or binding until the same shall have the approval of the executive board of the Western Federation of Miners.

The annual convention of 1903 made section 2 of Article V section 3, and inserted the following for section 2:

SEC. 2. In case of a strike being in progress in the jurisdiction of the Federation, where a union of the Federation is on strike, regularly ordered by the union and the executive board, and in the opinion of the president and the executive board it becomes necessary to call out any other union or unions in order to carry the strike to a successful termination, they shall have full power to do so.

The last article of the constitution is as follows:

ARTICLE IX.—LEGISLATION.

SECTION 1. The initiative and referendum shall govern all legislation. Whenever 10 per cent of the members in good standing shall by petition offer an amendment to the constitution and by-laws it shall be considered in the annual convention and by that body submitted to the members of the Federation, who shall vote upon the same within sixty days. After having received the approval of two-thirds of all the unions of the Federation voting upon the question, it shall receive the signature of the president and secretary-treasurer and become constitutional. An amendment to the constitution and by-laws enacted by delegates in convention assembled shall be referred back to local unions for their approval or rejection, same to be signed by president and secretary-treasurer. The secretary-treasurer shall canvass the vote on all referendum questions and make up a return sheet, setting forth the vote of each local, and furnish the locals with a copy of the same.

SEC. 2. This constitution shall not be amended except by a two-thirds vote of all delegates assembled in annual convention.

The annual convention, which begins on the fourth Monday in May, has of late years remained in session from ten to twelve days. The names of the presidents since the organization are as follows: 1893–94, John Gilligan; 1894–95, W. J. Weeks—P. H. Clifford filling unexpired term; 1895–96, S. M. Ronerts, resigned—James Leonard filling unexpired term; 1896–1902, Edward Boyce; 1902–5, Charles H. Moyer.

William D. Haywood was elected secretary-treasurer in 1901, and has held that office continuously since that time. Until 1901 the headquarters of the Federation were at Butte, Mont. In that year they were changed to Denver, Colo. Following is a full list of the general officers from May, 1904, to May, 1905:

Charles H. Moyer, president, Denver, Colo.; John C. Williams, vice-president, Grass Valley, Cal.; William D. Haywood, secretary-treasurer, Denver, Colo.; Marion W. Moor, McCabe, Ariz.; L. J. Simpkins, Wardner, Idaho; James P. Murphy, Butte, Mont.; Frank Schmelzer, Silverton, Colo.; James Kirwan, Terry, S. Dak.; James A. Baker, Slocum, British Columbia. These nine constitute the executive board.

John H. Murphy, of Denver, is the general attorney of the Federation. John M. O'Neill is editor of the Miners' Magazine, a paper published weekly by the Federation at Denver.

The Federation has four State unions, the officers of which are as follows:

Utah, No. 1. A. W. Charter, president; Joseph P. Langford, secretary, Park City, Utah.

California State Union, No. 2. J. B. Fulmer, president; George T. Bartlett, secretary, Carters, Cal.

Arizona State Union, No. 3. W. M. Gibbany, president; Albert Ryan, secretary, Jerome, Ariz.

British Columbia, No. 6. Ernest Mills, president; Anthony Shilland, secretary, Phoenix, British Columbia.

The Federation has five district unions, the officers of which are as follows:

Black Hills, No. 2. M. W. Christiansen, president; George Hendy, secretary-treasurer, Terry, S. Dak.

San Juan, No. 3. Frank Schmelzer, president; James Clifford, secretary, Silverton, Colo.

Kansas Gas Belt, No. 4. A. S. Murray, president; James Kauffman, secretary, Laharpe, Kans.

Gilpin and Clear Creek, No. 5. M. A. Swanson, secretary, Central City, Colo.

Liberty, No. 6, California. J. B. Fulmer, president; George T. Bartlett, secretary, Carters, Cal.

District Union No. 1 was at Cripple Creek, Colo., but it suspended in 1904.

At the annual convention of 1902 Edward Boyce, who had served as president for six years, positively refused a reelection. In his annual address to the convention he sketched the development of capitalistic combinations in general, and the growth of trusts affecting the mining industry in particular. He discussed trades unions, and declared that they must get upon more advanced ground and marshal their energies not to perpetuate, but to destroy the present system of production and distribution of wealth, with its accompanying wage system. He called attention to the growth of injunction processes used against labor unions and members of unions in recent years. Ownership by all the people of all the means of production and distribution was strongly advocated, and a line of action looking to such a result was recommended. Following are extracts from the address:

There are only two classes of people in the world: One is composed of the men and women who produce all; the other is composed of men and women who produce nothing, but live in luxury upon the wealth produced by others. Realizing this to be a fact, the time has arrived when this organization should array itself upon the side of the producers and advise its members to take political action and work for the adoption of those principles that are destined to free the people from the grasp of the privileged classes. It was the cry of the politicians and ruling classes in all ages not to disturb them in the possession of their ill-gotten gains, and we hear that cry ringing more forcibly in our ears every day by those who live upon the wealth stolen from labor. They advise the workingman not to take political action lest he might awake to his strength and power to improve his condition.

It has always been the aim of the ruling classes to divide the laboring people into hostile camps, and through their agencies show the commercial interests how much they would suffer should the laboring people acquire power. Remember that such influence is faithfully working to that end, to destroy the influence of this organization and array people against it. As we have no animosity toward any human being on earth, but earnestly desiring the elevation of all who labor to a higher standard of living, I beseech you to leave nothing undone to educate the members of this organization so they can proceed upon intelligent lines to better their conditions in life, and thus set an example for others to follow.

The most important action which you can take at this convention is to advise the members of your organization to adopt the principles of socialism without equivocation, for the time has arrived when we must sever our affiliations with those political parties who have legislated us into our present state of industrial bondage. If we are to continue to be wage slaves, as we are to-day, not capable of working for our homes and families, and not capable of fighting for those principles that will insure peace and happiness to all who labor, whether in the mines, on the farm, on the ocean, or in science, we are holding out false hopes to our associates, which are nothing short of an illusion and a snare, and our conventions and the maintenance of this organization are waste of time and energy.

Every individual who labors, let that labor be what it may, is entitled to the product of his labor, and it is your duty, if you are true to those you represent, to advise them to join hands with the thousands of intelligent men and women throughout the world who are battling for the abolition of the wage system and emancipation of the wage-worker from the grasp of corporate oppression for the cooperative brotherhood of man.

The committee on the president's address recommended the adoption of that portion of it which advised that the convention "adopt the principles of socialism without equivocation." After considerable discussion the report of the committee was amended by the adoption of the following declaration, the vote thereon being 129⅙ to 70⅓:

We, the tenth annual convention of the Western Federation of Miners, do declare for a policy of independent political action, and do advise and recommend the adoption of the platform of the Socialist Party of America by the locals of the Federation, in conjunction with a vigorous policy of education along the lines of political economy.

The principles of socialism were indorsed also by the conventions of 1903 and 1904. The twelfth annual convention in 1904 adopted the following resolutions:

Resolved, That in reaffirming the political policy of the tenth and eleventh annual conventions we urge all members of the Western Federation of Miners to be true to it, and to use their peaceful conciliation and social persuasion to induce others to join hands with them at the ballot box in securing the overthrow of the present iniquitous system of government; and be it further

Resolved, That we recommend the Socialist Party to the toiling masses of humanity as the only source through which they can secure for themselves their complete emancipation from the present system of wage slavery, which makes the masses of humanity suppliants at the feet of the few for the jobs which they must have to sustain life.

Each issue of the Miners' Magazine bears on its cover the following legend: "Labor produces all wealth; wealth belongs to the producer thereof." The editorial utterances of the Miners' Magazine are strongly socialistic in character, as may be judged by the following quotation from an editorial which appeared in the issue dated May 5, 1904:

Make the earth the common heritage of all mankind. Make the machines of production and distribution the collective property of all the people, or, in other words, let us bring about a civilization wherein all labor shall receive the full product of its toil, and then capitalism, which has drowned the world in an ocean of misery, will die of starvation. Socialism is inevitable, and all the combinations in opposition to its coming will fail to prevent the dawn of the irresistible commonwealth. Trusts and corporations, professors and preachers may retard its progress and onward march, but the sunburst of socialism will come out of the dark night of the world's servitude, to shed its rays upon the disfigured images of God's noblest work—man.

The Western Federation of Miners owns hospitals at Telluride, Colo.; Park City, Utah; Silver City, Idaho; Ymir, British Columbia; and Sandon, British Columbia. The hospital building at Telluride, Colo., was erected and equipped at a cost of $30,000. It was operated as a hospital until the strike occurred there in 1903, then being used as a boarding house for union men. Other hospitals, though not directly owned, are maintained by local unions. The Federation owns mercantile stores, called "cooperative stores," in various localities. In the Cripple Creek district it had four stores until they were wrecked by a mob on June 6, 1904. Many of the local unions have sick-benefit and burial funds. Many of them maintain libraries and reading rooms in connection with their meeting halls.

The following-named local unions were in existence in the Cripple Creek district when the strike began, August 10, 1903:

Free Coinage Miners' Union, No. 19, Altman, Colo; Anaconda Miners' Union, No. 21, Anaconda, Colo.; Victor Miners' Union, No. 32, Victor, Colo.; Cripple Creek Miners' Union, No. 40, Cripple Creek, Colo.; Independence Engineers' Union, No. 75, Independence, Colo.; Excelsior Engineers' Union, No. 80, Victor, Colo.; Cripple Creek Egineers' Union, No. 82, Cripple Creek, Colo.; Banner Mill and Smeltermen's Union, No. 106, Victor, Colo. There was also a District Union, No. 1, composed of 13 members, representing these 8 unions.

The statement that the strikes at Cripple Creek in 1903 were called by the executive board of the Federation, with headquarters at Denver, has been widely published, but it is a mistake. The strike of March 17, 1903, was called by District Union No. 1, after the eight local unions in the district had delegated to it such power. However, the strike order was signed by two general officers of the Federation, as well as two of the district officials, one of the general officers being President Charles H. Moyer.

The second strike in 1903 in the Cripple Creek district was called by District Union No. 1 on August 8, to take effect August 10, the power to call a strike having been given to the district union by a vote of the eight local unions.

The executive board, composed of the three chief officers and six other members of the Federation, was not empowered to call a strike until the adoption and taking effect of an amendment to Article V of the constitution. This amendment consisted of a new section providing that when a strike regularly called by a local union was in existence the executive board should have power to order out any other union or unions in the same locality, if such action should be deemed necessary to carry the strike to a successful termination. This is the entire effect of the constitutional amendment adopted by the annual convention of 1903, and this amendment, having to be voted upon by the local unions, did not go into effect until January 1, 1904, nearly five months after the beginning of the second strike in 1903 in the Cripple Creek district. William D. Haywood, secretary-treasurer of the Western Federation of Miners, in a sketch of the organization written by him on November 7, 1904, says:

> So much has been said and written about the strikes in Colorado that it seems unnecessary to review them at this time. There is one point, however, which is worthy of consideration here, and that is the assertion of the mine owners that the strikes were called by the executive board of the organization. Nothing could be further from the truth. The strikes of 1903 were not declared in the Cripple Creek district until every union in the district had voted on the proposition and referred the entire matter to the district union for consideration and settlement. The action of the district union was indorsed by the executive board. At the annual convention held in May–June, 1903, additional power was vested in the executive board, but as all constitutional amendments and legislation must be passed by referendum, this amendment adopted by the convention was voted on later by the members of all local unions, and it did not become part of the constitutional law until January, 1904, nearly five months after the second strike of 1903 in the Cripple Creek district had been declared through the action of the local unions and district unions. At the time of the strike called on March 17, 1903, and at the time of the strike called on August 8, 1903, the executive board was in no way empowered to initiate a strike, and I take this opportunity of correcting the impression that has been made by nearly every writer of note that has reviewed the Colorado situation.

Referring to the strikes in which the federation has been engaged, Mr. Haywood says: "In nearly every case the question involved was the eight-hour day, and this applies particularly to Colorado." Referring to the strike of reduction-mill employees at Colorado City in February, 1903, and the strike of smeltermen at Denver in July, 1903, Mr. Haywood says:

> While, as stated, the eight-hour day was the main issue, there were other questions involved which caused much dissatisfaction among the employees of many of the mining and reduction companies, for instance, the blanket insurance system, 3 per cent of each man's wages being deducted by the company, as well as hospital and physicians' fees, making as high as 4 or 5 per cent of a man's wages being deducted without his consent. And remember that the insurance was not such as one would receive from an insurance company, but only protected a person during working hours, and the fees for medical attention, etc., did not provide hospital and nurses for the employees nor professional attention for his family.

The strikes of 1903–4 in Colorado were disastrous for the Western Federation of Miners, especially in the Cripple Creek district. The Miners' Magazine keeps standing in its pages a directory of all local unions. The directory which appeared in the issue for December 29, 1904, shows that there were then 201 local unions in the United States and British Columbia, located as follows:

Location.	Number.	Location.	Number.
Alabama	2	Nevada	13
Arizona	12	New Mexico	1
British Columbia	22	Oregon	6
California	33	South Dakota	8
Colorado	30	Utah	8
Idaho	10	Washington	4
Illinois	1	Wyoming	3
Michigan	7		
Missouri	13	Total	201
Montana	28		

The 30 active unions in Colorado were located in the following towns: Amethyst, Aspen, Blackhawk, Central City, Colorado City, Denver, Dunton, Durango, Florence, Georgetown, Gilmore, Golden, Idaho Springs, Jamestown, Kokomo, Lake City, Leadville, Montezuma, Ophir, Ouray, Pearl, Pueblo, Russell Gulch, Red Mountain, Rico, Silverton, Telluride, Vulcan, Ward, White Pine.

It will be noticed that the list does not include any of the eight local unions which existed in the Cripple Creek district before the strikes of 1903–4 began. On account of these strikes all of these eight unions, as well as the district union, were broken up, and owing to the card system inaugurated by the Mine Owners' Association in 1904 it became impossible for a known member of the Federation to secure work in any of the mines in the district.

CHAPTER II.

CITIZENS' ALLIANCE OF COLORADO.

In Denver in the spring of 1903 there was a number of strikes, causing much inconvenience and considerable loss to the public generally as well as to the employers. The dissatisfaction thus created resulted in the formation of an organization called the Citizens' Alliance, composed chiefly of the employing class and business and professional men.

During the labor disturbances of 1903 and 1904 in Colorado the Citizens' Alliance played a prominent part. The principal objects avowed by the alliance are to resist the arbitrary demands of labor unions, to discourage lockouts, strikes, and boycotts, and to restrain members of labor unions from unlawful conduct while strikes are in progress.

Following are extracts from the constitution of the Citizens' Alliance of Denver:

CONSTITUTION.

ARTICLE I.

This association is secret, and its deliberations shall be held confidential, and its name shall be The Citizens' Alliance of Denver, Colorado.

ARTICLE II.

SECTION 1. The objects of the alliance are:

1. To promote the stability of business and the steady employment of labor by encouraging friendly relations between employers and employees, and to discourage lockouts, strikes, and boycotts, and all kindred movements.

2. To protect its members and the community at large and all persons who desire to work from unlawful interference and the evil effects of strikes, lockouts, and boycotts, and all movements unnecessarily and unreasonably interfering with trade and business.

3. To protect its members in their inalienable rights to manage their business in such lawful manner as they deem proper, without domination or coercion.

4. To consider other matters pertaining to the welfare of the city and country and involving business interests.

ARTICLE III.

SECTION 1. The members of the alliance shall be persons, firms, associations, or corporations owning property or engaged in business in the State of Colorado, and who are not members of labor organizations.

SEC. 2. Each firm, association, or corporation holding membership in the association may, for the purpose of convenience, designate one person to represent it, and the person so designated may be represented by proxy thereto, authorized in writing, provided such proxy is a member of the alliance.

SEC. 3. Each member shall be entitled to one vote.

* * * * * * *

ARTICLE IX.

SECTION 1. The form of the application for membership shall be as follows:

Petition for membership.

I, ——— ———, do hereby make application for membership in the Citizens' Alliance of Denver, Colorado, and affirm that I am not a member of any labor organization, and fully agree to discountenance all strikes and schemes of persecution resorted to by organized labor.

I am over 21 years of age, and by occupation a ——— ———. I agree to abide by the constitution and by-laws of this or any other citizens' alliance with which I may hereafter become connected, and agree on my honor to keep secret forever all that is said or done by the alliance or any of its members.

——— ———.

Recommended by—

——— ———.
——— ———.

The membership fee is $1; the dues, $1 a year. A member who is an employer of labor shall pay, in addition to his personal dues, 5 cents a month for each of his employees.

The officers of the Denver association consist of a president, a vice-president, a secretary, a treasurer, and two doorkeepers.

The following sketch of the Citizens' Alliance was furnished on November 18, 1904, by Mr. James C. Craig, president of the alliance in Denver as well as of the State organization:

The Citizens' Alliance of Denver, Colo., was organized on April 9, 1903, as a result of the arbitrary exactions and unjust regulations of labor unions in this community, and on account of the apparent necessity to form an organization able to oppose and withstand these demands. Its purposes and aims are outlined in Article II of its constitution.

In addition to the Denver Alliance there have been formed between 20 and 25 local alliances throughout the State. Of these, 18 have active organizations, as follows: Canyon City, Colorado Springs, Cripple Creek, Denver, Durango, Golden, Goldfield, Grand Junction, Gunnison, Idaho Springs, Leadville, Ouray, Paonia, Pueblo, Silverton, Telluride, Trinidad, and Victor.

We have not on hand the dates of organizations in the various towns outside of Denver, but feel safe in saying that all of them were organized subsequently to the formation of the Denver association.

Without exception, each organization was formed on account of a strike among the workmen controlled by labor unions in each locality, and as a protective measure, made possible only by a combination of interests, whereas individual opposition to unlawful and arbitrary aggressions would be of no avail.

The undersigned, with a few other gentlemen, organized the original association in Denver, and, directly or indirectly, was responsible for the formation of all the local associations in the State of Colorado.

The constitution and by-laws of all these local associations are in substance the same as the constitution and by-laws of the Denver association.

The membership of the various associations includes employers of all kinds, professional men of all kinds, and employees of all kinds; but some of the local associations, including the Denver association, do not admit members of labor unions.

The Denver association has about 5,000 active members and about 9,000 associate members. The exact membership of the various associations is something which would be difficult to ascertain, in view of the fact that it is supposed to be secret; but I should estimate the total membership in the State of Colorado to be about 30,000.

A State organization was formed on October 25, 1903, the purpose of which was to encourage the organization of local associations and to aid, by an educational means, the increase of public sentiment in harmony with its principles.

JAMES C. CRAIG,
President State Citizens' Alliance of Colorado.

The following paragraphs are clipped from a sketch of the Citizens' Alliance, written by Mr. Craig and published in American Industries of May 16, 1904:

> The Citizens' Alliance of Colorado has similar aims to those of hundreds of associations now in existence, under various names throughout the country. While not the original association, it is one of the pioneers in the movement. Born in Denver during the excitement and turmoil of a strike, its growth and influence have been rapid and widespread. * * *
>
> The various local alliances in Colorado are organized into a State association with a president, vice-president, secretary and treasurer, and executive and advisory committees, the purpose of which is to emphasize the work of the local associations, furnish means for their extension into every locality, and by a campaign of education build up the largest possible sentiment in favor of its principles. While the association is strictly nonpartisan, its ultimate influence with its large membership in correcting and preventing pernicious class legislation can readily be divined.
>
> The movement has given courage to the timid business man in his efforts to assert himself and have a voice in the conduct of his business, as well as a sense of security and independence from the threats of the walking delegate and business agent. It has completely counteracted the terror and influence of the boycott, the unlawful and un-American weapon of the unions. It has practically abolished the picket system. It has ardently supported the governor of the State in his patriotic efforts to maintain law, protect property rights and prevent the brutal persecution of workingmen by other workingmen or their leaders, who ignore and trample on all rights except they be those of a union man. Its success has been due to the fact that it stands for what is just and right, protecting the small merchant and manufacturer from the unjust demands and unlawful violence of the labor unions, and thereby earning the sympathy and support of our

thousands of members, as well as a large majority of the justice-loving public.

The necessity for the formation of a citizens' alliance arises from the fact that labor is organized into unions, and those unions federated either into national organizations of particular crafts or in local trade's councils, which are bodies combining the unions in a particular locality. This system of organization leads to continued and progressive aggressions on the part of organized labor until the same often becomes detrimental to the business interests and destructive of the independence of the employer and the nonunion laborer. Where interests are conflicting, it is self-apparent that if one side be organized and the other be unorganized, the advantage will naturally accrue to that side which is organized. Therefore it is necessary to confront organized unionism on the one side with organized employers and nonunionists on the other side, to resist the unlawful demands of the unions. * * *

A large percentage of the unions of Colorado are controlled by methods which are socialistic and anarchistic, although a majority of union men are neither socialists nor anarchists. The socialists and anarchists of the United States have selected Colorado as the best field in which to exploit their peculiar ideas politically, and funds have been gathered from all over the United States to promote the passage of eight-hour bills, employers' liability bills, the initiative and referendum, the single tax and other labor measures, and to capture the political machine generally. It has, therefore, been necessary that citizens' alliances should be formed in every considerable town throughout the State, and that these bodies act together in harmony to resist the political encroachments of the socialists and anarchists. Otherwise the political offices will soon be filled by this dangerous element.

After the militia went to Cripple Creek in September, 1903, the Citizens' Alliance became the dominating power in the local government. It was closely connected with the Mine Owners' Association, but was a much larger organization. One of the declared objects of the alliance was to discourage strikes, lockouts, and boycotts, yet member of the alliance circulated among business men in Cripple Creek and Victor an agreement that they would not employ any person connected with the Western Federation of Miners, with the local trades' assembly, or with the American Labor Union. This agreement was signed by practically all of the merchants in the district in the summer of 1904. If any business man had refused to sign it his business undoubtedly would have suffered. It is equally certain that many persons joined the alliance because they believed that if they did not they would be boycotted by members of the alliance. It is also certain that there were many members of the alliance who were not in sympathy with its methods. Not only as individuals, but as an organization, the Citizens' Alliance actively supported the policy of the Mine Owners' Association of refusing employment to any member of the Western Federation of Miners, and also the policy of deporting all members of the Federation. The alliance and the association alleged that the Federation was a "socialistic and criminal organization," and, therefore, that their attitude toward it was justifiable.

In the fall of 1903 the alliance at Denver adopted a resolution urging the Denver Advertisers' Association to cooperate with the alliance in placing advertising matter with the daily newspapers, to the end that the papers would thus be influenced to adopt a "conservative policy," agreeable to " business interests."

In the summer of 1904 the Rocky Mountain News, a morning paper published at Denver, and the Denver Times, an evening paper issued by the same publishing company, were boycotted by the Denver Advertisers' Association because these papers expressed disapproval of the policies of the Citizens' Alliance and the Mine Owners' Association, and especially of the policies of blacklisting members of the Federation and of deporting members of the Federation. All of the members of the Advertisers' Association were members also of the Citizens' Alliance, and the State president of the alliance was active in instituting the boycott. The Advertisers' Association included nearly all of the large merchants and mercantile companies in Denver. They withheld their advertising for about a month, at the end of which time the boycott was declared off.

Through Citizens' Alliance influences the papers at Cripple Creek refused to advertise the store of the Interstate Mercantile Company, which in the summer of 1904 bought the stock of goods in the store of the Western Federation of Miners at Cripple Creek, which had been partially wrecked and looted by a mob.

CHAPTER III.

THE EIGHT-HOUR LAW IN COLORADO.

When the strike of Cripple Creek miners was settled in 1894, one provision of the agreement was that eight hours should constitute a day's work in the mines. Since then eight hours have been considered as a day's work in the mines in the Cripple Creek district and in most of the other gold-producing regions of Colorado. In some of the smelters and ore-reduction works eight hours have been considered as a day's work, three shifts working a day, except in the sampling departments, where ten hours and two shifts a day have been the rule. In other smelters and reduction works all employees have worked ten hours and in some cases twelve hours.

The Western Federation of Miners organized a movement to secure the passage by the general assembly of Colorado of a law which would limit to eight hours a day's work in all underground mines and in all works for reducing and refining ores. The object was to enact a law which would apply not only to those engaged in mining and reducing precious metals, but also to coal miners and employees in blast furnaces. The movement was, therefore, supported by the United Mine Workers of America, and was indorsed by labor organizations generally throughout the State.

An argument advanced in favor of the proposed measure was that working long hours in mines is unhealthy, and that the gases and fumes generated in the process of smelting or reducing ores have a deleterious effect upon the health of those engaged in such work, and therefore the hours of labor should be shortened.

In 1895 an eight-hour bill was presented in the house of representatives of the tenth general assembly of Colorado. There being a difference of opinion among the representatives as to the legality of such a measure, a preamble and resolution were adopted requesting the State supreme court to give an opinion in answer to the following question: "Would a law, if enacted, providing that eight hours shall constitute a day's labor in all mines, factories, and smelters in this State be constitutional and legal?" The reply of the supreme court was as follows:

It is not competent for the legislature to single out the mining, manufacturing and smelting industries of the State and impose upon them restrictions with reference to the hours of their employees from which other employers of labor are exempt. An act such as proposed would be manifestly in violation of the constitutional inhibition against class legislation. (In re Eight-Hour Bill, 21 Colorado Reports, 29.)

The committee in charge of the bill having considered this opinion, reported adversely to its passage, and it failed of enactment.

In 1899 an eight-hour law was enacted by the twelfth general assembly of Colorado. An eight-hour bill was introduced in the house of representatives by Representative F. A. Moore, of Fremont County, and a similar measure was introduced in the senate by Senator W. S. Buckley, representing Montrose, San Miguel, and Dolores counties. The Moore bill passed third reading in the house, February 3, 1899, by the following vote: Yeas, 51; nays, 1; absent, excused, and not voting, 13. In the Senate, on February 8, upon request of Senator Buckley, the eight-hour bill introduced by himself was laid on the table, and the house bill on the same subject was substituted. The second section of the bill as it passed the house provided:

> Sec. 2. The period of employment of workingmen in smelters and all other institutions for the reduction or refining of ores or metals shall not exceed eight hours per day, except in cases of emergency, where life or property is in imminent danger.

The committee of the whole of the senate recommended that "shall not exceed eight hours" be amended to read "shall be eight hours." The committee of the whole further recommended that "and all other institutions" be amended to read "cyanide and chlorination works." The senate, February 23, adopted the first recommendation and rejected the second. The following paragraph, referring to the eight-hour bill, is quoted from the senate journal for March 1:

> Moved by Senator Barela that H. B. No. 25 be referred to the supreme court with the request to advise the senate within forty-eight hours if they will pass upon the constitutionality of the bill. If they will not, then the bill to be disposed of by the senate without further discussion or delay. If they signify that they will pass upon the bill, that they be requested to do so within five days, and that when the opinion is rendered the bill to take usual course without delay.

The vote upon the motion was: Yeas, 15; nays, 17; absent, excused, and not voting, 3. The senate thereupon, March 1, passed the bill as amended by the following vote: Yeas, 26; nays, 6; absent, excused, and not voting, 3. The house concurred in the senate amendments March 1. The act was approved by the governor March 16. It provided as follows:

> Section 1. The period of employment of workingmen in all underground mines or workings shall be eight (8) hours per day, except in cases of emergency, where life or property is in imminent danger.
>
> Sec. 2. The period of employment of workingmen in smelters, and

in all other institutions for the reduction or refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency, where life or property is in imminent danger.

SEC. 3. Any person, body corporate, agent, manager, or employer, who shall violate any of the provisions of sections one and two, of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment not more than six months, or by both fine and imprisonment.

The constitution of the State of Utah, adopted 1895, provides (article 16, section 6):

Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, county or municipal governments; and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters and mines.

In 1896 the legislature of Utah enacted the following eight-hour law:

SECTION 1. The period of employment of workingmen in all underground mines or workings shall be eight (8) hours per day, except in cases of emergency, where life or property is in imminent danger.

SEC. 2. The period of employment of workingmen in smelters and in all other institutions for the reduction or refining of ores or metals shall be eight (8) hours per day, except in cases of emergency, where life or property is in imminent danger.

SEC. 3. Any person, body corporate, agent, manager, or employer, who shall violate any of the provisions of sections 1 and 2 of this act shall be deemed guilty of a misdemeanor.

In 1896 the supreme court of Utah, deciding the case of State of Utah *v.* Albert F. Holden, upheld the validity of this statute. (14 Utah, 71.) The case being appealed to the Supreme Court of the United States, that tribunal, in 1897, affirmed the decision of the State supreme court. The following is quoted from 169 U. S. Reports, page 366:

The facts in case No. 261 were substantially as follows: On June 20, 1896, complaint was made to a justice of the peace of Salt Lake City that the petitioner Holden had unlawfully employed "one John Anderson to work and labor as a miner in the underground workings of the Old Jordan mine in Bingham Canyon, in the county aforesaid, for the period of ten hours each day; and said defendant on the date aforesaid and continuously since said time, has unlawfully required said John Anderson, under and by virtue of said employment, to work and labor in the underground workings of the mine aforesaid, for the period of ten hours each day, and that said employment was not in case of an emergency or where life or property was in imminent danger, contrary," etc.

Defendant Holden, having been arrested upon a warrant issued upon said complaint, admitted the facts set forth therein, but said he was not guilty because he is a native-born citizen of the United States, residing in the State of Utah; that the said John Anderson voluntarily engaged his services for the hours per day alleged, and that the facts charged did not constitute a crime, because the act of the State of Utah which creates and defines the supposed offense is repugnant to the Constitution of the United States in these respects:

"It deprives the defendant and all employers and employes of the right to make contracts in a lawful way and for lawful purposes;

"It is class legislation, and not equal or uniform in its provisions;

"It deprives the defendant, and employers and employees of the equal protection of the laws; abridges the privileges and immunities of the defendant as a citizen of the United States, and deprives him of his property and liberty without due process of law."

The court, having heard the evidence, found the defendant guilty as charged in the complaint, imposed a fine of fifty dollars and costs, and ordered that the defendant be imprisoned in the county jail for a term of fifty-seven days, or until such fine and costs be paid.

Thereupon petitioner sued out a writ of habeas corpus from the supreme court of the State, annexing a copy of the proceedings before the justice of the peace, and praying his discharge. The supreme court denied his application, and remanded him to the custody of the sheriff, whereupon he sued out this writ of error, assigning the unconstitutionality of the law.

In the second case the complaint alleged the unlawful employment by Holden of one William Hooley to work and labor in a certain concentrating mill, the same being an institution for the reduction of ores, for the period of twelve hours per day. The proceedings in this case were precisely the same as in the prior case, and it was admitted that there was no distinction in principle between the two cases.

Having reviewed the legal principles involved, the Supreme Court of the United States held:

Upon the principles above stated, we think the act in question may be sustained as a valid exercise of the police power of the State. The enactment does not profess to limit the hours of all workmen, but merely those who are employed in underground mines, or in the smelting, reduction or refining of ores or metals. These employments, when too long pursued, the legislature has judged to be detrimental to the health of the employees, and, so long as there are reasonable grounds for believing that this is so, its decision upon this subject can not be reviewed by the Federal courts.

While the general experience of mankind may justify us in believing that men may engage in ordinary employments more than eight hours per day without injury to their health, it does not follow that labor for the same length of time is innocuous when carried on beneath the surface of the earth, where the operative is deprived of fresh air and sunlight, and is frequently subjected to foul atmosphere and a very high temperature, or to the influence of noxious gases, generated by the processes of refining or smelting. (169 U. S. Reports, 395.)

Quoting from and concurring in the opinion of the supreme court of Utah, the Supreme Court of the United States further held:

The legislature has also recognized the fact, which the experience of legislators in many States has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules and the laborers are practically constrained to obey them. In such cases self-interest is often an unsafe guide, and the legislature may properly interpose its authority.

It may not be improper to suggest in this connection that although the prosecution in this case was against the employer of labor, who apparently under the statute is the only one liable, his defense is not so much that his right to contract has been infringed upon, but that the act works a peculiar hardship to his employees, whose right to labor as long as they please is alleged to be thereby violated. The argument would certainly come with better grace and greater cogency from the latter class. But the fact that both parties are of full age and competent to contract does not necessarily deprive the State of the power to interfere where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself. "The State still retains an iterest in his welfare, however reckless he may be. The whole is no greater than the sum of all the parts, and when the individual health, safety and welfare are sacrificed or neglected the State must suffer."

We have no disposition to criticise the many authorities which hold that State statutes restricting the hours of labor are unconstitutional. Indeed, we are not called upon to express an opinion upon this subject. It is sufficient to say of them, that they have no application to cases where the legislature had adjudged that a limitation is necessary for the preservation of the health of employees, and there are reasonable grounds for believing that such determination is supported by the facts. The question in each case is whether the legislature has adopted the statute in exercise of a reasonable discretion, or whether its action be a mere excuse for an unjust discrimination, or the oppression, or spoliation of a particular class. The distinction between these two different classes of enactments can not be better stated than by a comparison of the views of this court found in the opinions in Barbier *v.* Connolly (113 U. S., 27) and Soon Hing *v.* Crowley (113 U. S., 703) with those later expressed in Yick Wo *v.* Hopkins (118 U. S., 356).

We are of the opinion that the act in question was a valid exercise of the police power of the State, and the judgments of the supreme court of Utah are, therefore affirmed. (169 U. S. Reports, 397.)

The eight-hour enactment of the general assembly of Colorado in 1899 was a verbatim copy of the eight-hour enactment of the legislature of Utah in 1896, except that to the Colorado statute was added a clause prescribing the penalty for violation. Though the Utah statute was upheld by the Supreme Court of the United States in 1897, the supreme court of Colorado, in 1899, in a unanimous opinion, decided the Colorado statute to be unconstitutional in the case of application of Morgan for writ of habeas corpus. At a preliminary examination before a justice of the peace, upon a charge of contracting to labor in a smelter in excess of eight hours per day, the defendant was committed to jail in default of giving the required bail, and to secure his liberty filed in the supreme court of Colorado his petition for a writ of habeas corpus. The opinion of the court contains the following statement:

> The petitioner challenges the validity of the statute as inhibited by the foregoing clauses of the organic law. The position of the attorney-general is that it was passed as a health regulation, and may be vindicated as coming within the range of the police powers of the State. Four years before it became an act, this court, to an inquiry of the house of representatives of the tenth general assembly as to the constitutionality of a bill reading, "Eight hours shall constitute a legal day's work for all classes of mechanics, workingmen and laborers employed in any mine, factory, or smelter of any kind whatsoever in the State of Colorado," replied that it was "not competent for the legislature to single out the mining, manufacturing and smelting industries of the State and impose upon them restrictions with reference to the hours of their employees from which other employers of labor are exempt." And it was further said that the section "violates the right of parties to make their own contracts, a right guaranteed by our bill of rights." (In re Eight-Hour Bill, 21 Colo., 29.)
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> The twelfth general assembly must have been aware of this and another decision concerning the power of the legislature to pass what is called a coal-screening bill—the opinion being reported at page 27, same volume—in which this species of legislation was condemned as hostile to the constitution. But wholly disregarding these decisions, binding alike on all departments of government, it proceeded to enact the measure now before us. Though it affords no justification for such legislative action in defiance, and against the solemn decision, of this court, we presume the excuse that might be offered therefor is that, after these decisions were handed down, in a sister State, an act in the same language was passed and approved by its highest court, and, as is claimed, sanctioned by the Supreme Court of the United States. (26 Colorado, 417.)

The court held as follows:

> The result of our deliberation, therefore, is that this act is an unwarrantable interference with, and infringes, the right of both the employer and employee in making contracts relating to a purely private business, in which no possible injury to the public can result; that it unjustly and arbitrarily singles out a class of persons and imposes upon them restrictions from which others similarly situated and substantially in the same condition, are exempt; and that it is not, under our constitution, a valid exercise of the police power of this State either in the subject selected or in the reasonableness of the regulation. (26 Colorado, 450.)

The supreme court having annulled the eight-hour statute on constitutional grounds, a movement began to secure the adoption of a constitutional amendment which would provide for the enactment of an eight-hour law. All political parties pledged themselves to support such a measure.

The platform adopted by the Colorado State convention of the Republican party in 1900 declared in favor of "the submission to the people of a constitutional amendment providing for an efficient eight-hour law."

The platform adopted by the State convention of the Democratic party, 1900, declared: "We favor an amendment to the constitution of this State and the enactment of such laws thereunder as shall procure an efficient eight-hour law."

The platform adopted by the State convention of the Peoples' Party, 1900, demanded that the thirteenth general assembly should submit to the people several amendments to the constitution, among them "an eight-hour amendment."

The thirteenth general assembly, 1901, passed an act which provided that at the next general election for members of the general assembly there should be submitted to the qualified electors, for their approval or rejection, an amendment to the constitution, to be known as section 25a, which section should read as follows:

> SEC. 25a. The general assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the general assembly may consider injurious or dangerous to health, life or limb.

All political parties pledged themselves to support the proposed amendment.

The platform adopted by the Colorado State convention of the Republican party, 1902, declared: "Two years ago the Republican party of Colorado in its State platform pledged itself to a constitutional amendment and adequate legislation providing for an eight-hour day for those who work in underground mines, blast furnaces, and smelters. We urge all Republicans in this State to vote and work for the constitutional amendment to that effect now pending before the people of this State."

The platform adopted by the State convention of the Democratic party, 1902, declared: "We indorse the eight-hour constitutional amendment, as being for the best interests of both labor and capital."

The platform adopted by the State convention of the People's Party, 1902, commended to the people the various constitutional amendments, including the eight-hour amendment, which were to be voted on at the next general election.

At the general election November 4, 1902, the total vote for governor was 186,820. The total vote on the eight-hour amendment was 99,246. The number of votes for the amendment was 72,980; the number of votes against it was 26,266; the amendment being adopted by a majortiy of 46,714 votes. In this election ten amendments to the constitution were submitted to the voters. All of these amendments were adopted except two which provided for the adoption of the Australian tax system. The total vote on the eight-hour amendment was greater than that on any other amendment, except the total votes on the two proposed Australian tax-system amendments. The majority in favor of the eight-hour amendment was greater than the majority in favor of any other amendment.

The fourteenth general assembly of Colorado was in session from January 7, 1903, to April 6, 1903, inclusive. The senate was organized by the Democrats, the house by the Republicans. On the first day of the session, eight-hour bills were introduced in the house by John B. Stephen and Frank W. Frewen, representatives from El Paso and Teller counties. Mr. Stephen's bill was house bill No. 1; Mr. Frewen's, house bill No. 2. House bill No. 39 on the same subject was introduced January 20 by Max Morris, representative from Arapahoe County. On the first day of the session, an eight-hour bill was introduced in the senate by Frank A. Moore, senator from Fremont County, and author of the eight-hour constitutional amendment. His bill was senate bill No. 1. Senate bill No. 31, on the same subject, was introduced January 14 by John Kennedy, senator from Ouray, San Juan, Hinsdale, and Archuleta counties.

Soon after the opening of the session it became apparent that the corporations engaged in smelting ores, corporations engaged in mining coal, and corporations engaged in producing iron would oppose any eight-hour enactment. On January 27 the first of a series of bulletins was issued to present arguments against the passage of any eight-hour law. As many as ten other such bulletins were issued during the session. Copies were sent through the mails to all members of the general assembly and to other persons. They were anonymous circulars, but it was alleged that the author of them was an officer in one of the smelting companies.

Though gold miners worked only eight hours, arguments were advanced to show why it would be against the interests of the gold-mine operators to have an eight-hour law applied to the smelting, reduction, and refining of ores. Bulletin No. 1 stated that there was "considerably over 100,000 tons of ore a month smelted in this State," and that the effect of the passage of an eight-hour law would be "a further tax of considerably over $50,000 a month, and considerably over $600,000 a year, upon the already burdened owners of low-grade mines." The effect of an eight-hour law upon coal mining, bulletin

No. 1 said, would be that "the price of fuel necessarily would go up under the new conditions, and this would be a tax on every consumer in the State." The following is quoted from bulletin No. 2:

> Considerably more than 100,000 people—men, women, and children—are directly dependent upon the mining of coal, iron and the precious metals and the industries which are the outgrowth of it. Outside of this vast number, it is manifestly true, that every one of the other five-sixths of our total population receives benefits, direct and indirect, large and small, from this same great vitalizing source. It is, therefore, self-evident that whatever affects injuriously this great industry, affects to some degree every citizen of the State. Notwithstanding the satisfactory gold production, the precious-metal mining industry of the State is not in flourishing condition. This is due to two circumstances—the low price of silver and the lowering grades of ores produced. Therefore those most concerned have to face not only the low value of the silver product, but the constantly decreasing value of the ores which contain it, even when they are measured by the silver standard.
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> To meet these new and trying conditions it has been necessary for the smelters to make concessions to low-grade camps in San Juan, Ouray, Pitkin, Mineral and Lake Counties. This has been possible because the smelters, through newer and better business methods, have been able to handle the ores more economically than before. Now if the proposed eight-hour law went into operation it would compel the smelters to hire three shifts of men working eight hours each instead of the present ten and twelve-hour shifts. At the rate per hour at which the men are now paid they make from $1.75 to $3 per day. That the men are well content with present conditions is evidenced by the fact that many of them are old employees. It is not unusual to find men who have been employed for twenty years, in any of the smelters that have been in operation for that length of time. In the Denver smelters 75 per cent of the men have been employed for more than a year, and 80 per cent of that number for two years or more. Most of them are men of family, and probably half of them own their own homes or are now paying for them.
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> If these men were allowed to work no more than eight hours a day and paid at the present rate per hour, it is doubtful whether they could live on their wages, which would thus be reduced to $1.40, $1.60 and $2 a day. If there were nothing to it but a question of hours the question would be as broad as it is long, and therefore would settle itself. But with the shortening of hours would come undoubtedly a demand for a higher rate of wages per hour. Suppose that each side agreed to stand half the loss thus entailed, or about 20 per cent. This would mean a rise in the cost of wages equal to one-fifth, to which would be added, necessarily, an increase in the cost of fuel, as the proposed eight-hour law would affect the coal mines just as it would affect the smelters. This would of necessity lead to an advance of half a dollar a ton over and above the present treatment charges. This the low-grade mines could not possibly afford, while the smelters would be helpless to do better. The result would be to make a bad condition deplorable, and to deal a blow to low-grade mining from which it might never recover. Few, if any, such mines could possibly be maintained in operation under such circumstances.

When conditions are as they are now, when the smelters and the low-grade camps are bearing the last atom of load they can or should be called upon to carry, it seems unwise that legislative enactment should fly defiantly in the face of economic law and cripple, if not actually paralyze, an industry which has done much and is doing much for the upbuilding of the State.

The following is quoted from Bulletin No. 11:

Supposing an occupation is unhealthful, the ill effects of it can be obtained as easily in eight hours as in ten. Besides the law proposed places in one class the furnace tender and the man who works out of doors under the same conditions as any other laborer. Its failure to distinguish between these widely different sorts of work discriminates against an immense class of laborers in occupations not covered by the bills presented, whose work is no less—and no more—dangerous or unhealthful than that of a majority of the men engaged about blast furnaces.

Finally, it is urged that shorter hours will improve the condition of the men. If it were only a question of shortening the hours there would be no difficulty about adopting the system. To shorten hours would mean that if production were maintained more men would have to be employed. Some advocates of the measure are so short-sighted as to fancy this a beneficial result. To force the employment of more men by restricting production would be to fall into the blunder of British workingmen by which England lost her commercial supremacy. The more a workman does for his employer the more he does for himself. It is only by the best united effort of employer and employee that real permanent prosperity is established. To compel the employment of more men to do in eight hours the work previously done by a smaller number would increase the cost of production from 25 to 50 per cent. giving that advantage to the Colorado manufacturers' eastern competitors whose employees work the longer hours. Unable to raise the price of his product to the consumer without risk of losing his trade the Colorado manufacturer, under an eight-hour law, would have the alternative of losing his market or of reducing the wages of his employees proportionately to the reduction of hours.

"Why not take the increased cost of production out of the dividends?" is a thoughtless question, because dividends are as the breath of life to growing industries. Every investor demands a fair return for his money; if he does not get it he will withdraw and invest elsewhere.

Coal operator, coal miner, and consumer alike would suffer under an eight-hour law. At present the coal miners work from six to eight hours a day—seldom more—but they have the privilege, when their private necessities demand it, of making up by extra work time lost by the unavoidable closing of the mine. To limit them to eight hours of work a day would compel the operator to reduce production or else to import men in seasons when the demand for coal justified their employment. To increase the force would reduce the proportionate earnings of each miner, and in the slack season the same wage fund now divided would have to be distributed among many more men than at present, so that the miners' pay would be less and the periods of enforced idleness longer. Restricted production would mean, also, higher prices to the consumer.

To many of the low-grade metalliferous mines the passage of an eight-hour law would be equivalent to an order to close, for their margin of profit is now so narrow that they bear no increase in the cost of production or of treatment.

The senate, in committee of the whole, made several amendments to the Moore bill. The more important amendments were: Making the bill apply to chlorination or cyanide works, but not to cement works; making imprisonment a penalty alternative to a fine; providing that every day's violation shall be a separate offense. February 3, the senate adopted the report of the committee of the whole, recommending these amendments, and February 9 the senate passed the amended bill by the following vote: Yeas, 31; nays, none. The provisions of the bill as passed by the senate were as follows:

SECTION 1. The period of employment in underground mines and other underground workings, smelters, chlorination, or cyanide ore reduction works and blast furnaces shall not exceed eight (8) hours in any twenty-four (24) hours, except in cases of emergency, where life or property is in imminent danger, and employment in said works is hereby declared to be injurious to health and dangerous to life and limb.

SEC. 2. Any person or persons, firm, copartnership, company or corporation violating any of the provisions of section one (1) of this act shall be deemed guilty of a misdeameanor, and upon conviction thereof shall be fined in a sum not less than one hundred and fifty (150) dollars nor more than two hundred and fifty (250) dollars, or be imprisoned in the county jail not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment. Every day's violation of the provision of this act shall constitute a separate offense.

SEC. 3. Justices of the peace shall have jurisdiction of any and all offenses under this act, subject to the right of appeal, as provided for in cases of assault and battery.

On February 16 the interests that opposed eight-hour legislation and the interests which favored such legislation were given a hearing by the house committee on mines and mining. The Colorado Fuel and Iron Company was represented by J. A. Kebler, president, John C. Osgood, chairman of the board of directors, and D. C. Beaman, attorney. The Victor Fuel Company was represented by its president, Delos A. Chappell. The labor element was represented by J. C. Sullivan, president of the State Federation of Labor, and G. E. Miller, of the executive board of the Western Federation of Miners.

Mr. Osgood, in speaking before the committee, declared that the eight-hour amendment to the constitution had not received the indorsement of a majority of the voters of the State. He considered that the eight-hour limit was an arbitrary one and that it was a serious menace to the industries of the State. He said that, in the previous ten years, more than one-half of the capital of his company, represented by its common stock, had received less than 1 per cent profit a year. He declared that the lowest wages the company paid to laborers were $750 a year; the highest, $1,261. He said that if the hours of labor in blast furnaces were reduced from twelve to eight, his company would be compelled to pay 50 per cent more wages than was paid by its competitors in the East. He did not believe the company would be able to operate under such changed conditions.

As to the complaints about the unhealthfulness of work in blast furnaces, Mr. Osgood said that not over 20 per cent of the 5,000 men employed by the company in its blast furnaces worked near the so-called unhealthful heat, the engineers, for instance, being 100 yards away. He stated that he had an experience of thirty-three years in coal mining, and he had not found the mining of coal to be unhealthful. He further said:

> The question of health is a subterfuge, merely to meet the requirements of the constitutional amendment. As a matter of fact, coal miners do not work over eight hours a day. These men work a good deal on their own time, and are not pushed, except in the winter season. If the miners are held down to eight hours a day—that is, to eight hours in the mine—the drivers and others on the surface can not work any longer. There is no complaint that their occupation is unhealthy.
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> It is a gross injustice to the miners themselves to put all of them on the same level. Some are more rapid workers, and can do much faster work, than others. I know of many miners who are educating their sons to take better stations in life than their fathers enjoyed. These men are willing to work overtime, if necessary, to secure money for this purpose. The law takes no account of possible illness which may keep a man away from work, but it would interfere with his trying to make up lost wages by working overtime. Snow blockades are now compelling the closing down of mines, and there are other incidents that would deprive men of work at certain times. These proposed laws would give them no opportunity to make up lost days. If these laws should become effective, it would probably reduce the capacity of mines 25 per cent. Then, to keep up the output, we would have to employ 25 per cent more men. These men are not available in Colorado. Then, in the summer, when work is slack, there will be 25 per cent more men among whom to divide up the work. The inevitable result of an eight-hour law in coal mines would be, either a reduction in the wages of miners, or an increase in the cost of coal to the consumer.

Mr. Osgood was followed by President Chappell, of the Victor Fuel Company. The arguments advanced by these gentlemen were attacked by President Sullivan, of the State Federation of Labor. Mr. Sullivan said: "If it is true that there are but 187,000 voters in Colorado, and but 73,000 voted for the law, and 26,000 against it, is it not reasonable to suppose that the other 88,000, who Mr. Osgood says did not vote, are similarly divided?"

To the argument that the various industrial companies could not afford to pay the same wages that were then paid if the working day were shortened, he alleged that these companies were capitalized on a fictitious basis; that, for instance, the American Smelting and Refining Company, commonly known as the "smelter trust," was capitalized at 100 million dollars, about 50 millions of which was common stock, but in reality the stock had been watered to the amount of 50 millions. Referring to Mr. Osgood's company, he said:

> The Colorado Fuel and Iron Company, it is true, has invested between $50,000,000 and $60,000,000; but how much did it have in the start? A pittance as compared to now; and the vast profits have been built up largely on the labor of those who work twelve or sixteen hours for starvation wages. When 17,000 men are paid half wages, or work double time for one wage, it is a natural sequence that the capital they save would double every few years.

Referring to statements by Mr. Osgood and Mr. Chappell, Mr. Sullivan said:

> Neither of them has stated correctly the minimum wage scale. It is $325 a year, and I defy them to produce their books. This is for a twelve-hour day. The miner who earns this pittance can buy a little bacon and flour from the company's store, paying for it in the company's scrip, which has been outlawed in Colorado; and he has barely enough scrip left to buy sufficient clothes to keep his body covered. Another obstacle he has to meet is the company's unpatriotic conduct in importing cheap foreign labor—Japanese, Italians, and negroes—who work for their bacon and beans.

Mr. Sullivan said that coal miners usually have done a day's work in eight hours, and, being then jaded, they are ready to quit, if they have been given enough cars; but the mine operators do not furnish cars rapidly enough, and often eleven or twelve hours have passed before the miner can get the means of transporting his product. The extra time is consumed in working, of course, but at no time in the day does the miner work as he would work if he knew that he would be able to quit at the end of eight hours.

In urging the need of an eight-hour law, Mr. Sullivan referred to a recent accident in the Colorado Fuel and Iron Works at Pueblo, where, by the overturning of a huge kettle of white-hot iron, ten men were burned, of whom four died. He held that the accident might be traced to the exhaustion of the men from working long hours; but he was reminded that the accident had occurred early in the day—at 10 o'clock in the morning, and on a Monday, the men having rested on Sunday.

The terms of house bill No. 1, as originally introduced by Mr. Stephens, provided that a violation of the act should be deemed a misdemeanor, and that the minimum penalty should be $150 and the maximum penalty $250; the bill also contained a clause giving justices of the peace jurisdiction in such cases. This bill, however, contained no provision for imprisonment as a penalty, and no provision that every day's violation of the act should constitute a separate offense, which were features of the Moore bill (S. B. No. 1), passed by the senate.

February 25, the house resolved itself into the committee of the whole to consider the special order, the eight-hour bill. The committee of the whole recommended for adoption a substitute for the Stephens bill (H. B. No. 1), which amended it in important particulars. Among such amendments were: Making the law apply to stamp mills and leaching works; making the minimum penalty $10 and the maximum penalty $50, and omitting the clause giving justices of the peace jurisdiction. The bill in full, as reported by the committee of the whole to the house, was as follows:

SECTION 1. All labor in underground mines, or other underground workings, attending blast furnaces, in smelters, in ore-reduction works, in stamp mills, in chlorination and cyanide mills, in leaching works, and attending smelter furnaces producing metal and matte, is hereby declared dangerous and injurious to health, life and limb; and the period of employment for all persons employed in underground mines or other underground workings, attending blast furnaces, in smelters, in stamp mills, in ore-reduction works, in chlorination and cyanide mills, in leaching works, and attending smelting furnaces producing metal and matte, shall be eight hours per day; except in cases of emergency where life or property is in imminent danger.

SEC. 2. Every person, body corporate, agent, manager, superintendent, employer, president or director shall, in every case of such emergency, make to the commissioner of bureau of labor statistics, within ten (10) days after the commencement of such emergency, a report, according to the form which may be prescribed by him, verified by the oath or affirmation of such person, employer, agent, manager, superintendent, president or director; each report shall exhibit in detail the circumstances creating such emergency.

SEC. 3. Any violation of this act shall constitute a misdemeanor and be punished by a fine of not less than ten dollars ($10.00) nor exceeding fifty dollars ($50.00).

In the house, February 25, Representative C. E. Stubbs, chairman of the committee of the whole, moved that the report of the committee of the whole be adopted. A motion made by Representative Max Morris, that the report of the committee of the whole be amended by substituting senate bill No. 1 for house bill No. 1, was declared not adopted by the following vote: Yeas, 19; nays, 37; absent, excused, and not voting, 9. The question then being upon the adoption of the report of the committee of the whole, the yeas and nays were had, with the following result: Yeas, 54; nays, 1; absent, excused, and not voting, 10.

February 28 the amended Stephens bill was taken up on third reading, and was passed by the house, by the following vote: Yeas, 53; nays, 3; absent, excused, and not voting, 9.

It was alleged by the friends of labor that a multitude of amendments were offered in order to confuse the legislators and to defeat the eight-hour measure; that the amendments adopted by the house were adopted in the interests of the large corporations engaged in mining precious metals, or in mining coal, and those engaged in smelting, reducing, and refining ores, and that they were suggested by the agents of the Colorado Fuel and Iron Company, the Victor Coal and Coke Company, the American Smelting and Refining Company, the Boston Smelting Company, and other corporations. It was further alleged that agents of these corporations brought influences to bear upon the legislators, first, to amend the pending bills, so as to make them less objectionable to the corporations, and, second, to compass the defeat of all such measures if possible.

In the senate, March 31, the Stephens bill was amended by substituting for its title and three sections the title and three sections of the Moore bill, and the bill as amended passed third reading April 2 by the following vote: Yeas, 32; nays, none.

On April 4, Nathan C. Miller, attorney-general of the State, declared that the bill which had passed the senate was unconstitutional, on the ground that the corporations themselves could not be made criminally liable, and that it was ineffectual because agents and officers of corporations were omitted from the penalty clause.

It was openly charged by the friends of labor that this defect in the bill was incorporated in it at the instigation of agents of the corporations engaged in mining coal and in reducing and refining ores, so that even should the measure be enacted by the general assembly it would be declared unconstitutional by the supreme court.

On April 6, the last day of the session, the proceedings with reference to the two eight-hour bills then pending were as follows: The house refused to concur in the senate amendments, and appointed a conference committee to confer with a like committee from the senate. The senate refused to recede from its amendment, and appointed a conference committee. The two conference committees being unable to agree, the senate, by a unanimous vote, recalled the senate members of the conference and asked for a further conference. But no further conference committee was appointed, and the measure failed of enactment.

The eight-hour question was not an issue in the strike which began at Colorado City February 14, 1903, and which was settled March 31. Eight-hour legislation was pending in the fourteenth general assembly from the first day of the regular session, January 7, to the last day of the regular session, April 6. However, the eight-hour question was an issue in the strike which began in smelters at Denver, July 3, 1903, and which was followed by a sympathetic strike of miners in the Cripple Creek district.

Governor James H. Peabody was importuned to embrace a call for the enactment of an eight-hour statute in a call for a special session of the general assembly. On July 6, 1903, he issued a call for the general assembly to convene July 20, in extraordinary session, to correct irregularities in the passage of the general appropriation bill by the regular session, but in this call he did not recommend or refer to eight-hour legislation. Being interviewed on July 19, the governor was asked if he would consider a call for an extra session to enact an eight-hour law, and replied, as reported in the Denver Republican: "That would depend on whether I believed the people wanted it, and also whether I believed that the legislature would pass it should it be brought before them."

The extraordinary session began July 20 and continued until July 25, inclusive. The senate and the house adopted resolutions on the eight-hour question, each placing upon the other body the blame for the failure to enact such legislation. The senate, July 21, by a vote of 21 to 3 adopted a resolution offered by Senator Frank A. Moore. The preamble declared that the eight-hour bills passed by the senate at the regular session had been "smothered and killed" in the house; that "in disregard of the mandate of the constitution, the governor omitted from his call the matter of the passage of an eight-hour bill." The resolution was as follows:

> *Resolved*, That we hereby express to the governor our earnest desire that an eight-hour bill be enacted in conformity with the constitutional amendment, and we hereby pledge ourselves, if the governor will issue a supplemental call for that purpose, to speedily pass such a bill in the senate.

The house, July 22, adopted a resolution offered by Representative Richard W. Morgan, the vote thereon being: yeas, 48; nays, 10; absent, excused, and not voting, 5. The preamble declared that the house at the regular session had passed an eight-hour bill "which had been indorsed and recommended by the representatives of organized labor in this State;" that the senate had refused to pass said bill, "but did insist and declare for the passage of a certain eight-hour bill of its own, questioned as to its constitutionality, and which had been declared against by a large proportion of the representatives of the laboring interests;" and that "said senate did withdraw its members from the conference committee appointed during the closing hours of the regular session upon all eight-hour measures, and did fail to appoint new members thereto, and did thereby terminate all negotiations looking to the consummation of the demands of the people."

The resolution declared as follows:

> We, the members of the house of representatives, in extraordinary session convened, do hereby reaffirm and declare our readiness and willingness to again pass any good and valid eight-hour bill that may be acceptable to the people of this State, in compliance with consti-

tutional amendment regarding an eight-hour day, and furthermore are willing and ready to act upon the same in extra session, if, in the judgment of our governor, he may deem it proper and expedient to the best interests of the people of the State to make such call.

Resolved, That a copy of these resolutions be transmitted at once to the governor.

Attorney-General Nathan C. Miller, in an interview, July 21, said that before the governor would consider a call for an extraordinary session to enact an eight-hour law the leaders in both houses must agree upon a bill which would pass both houses, and sign a declaration that they would vote for such a bill. The leaders in the senate and those in the house did not agree upon the terms of an eight-hour measure which would pass both houses. On the last day of the extraordinary session, July 25, Governor Peabody announced that, because of the failure of the leaders in both houses to agree, he would not issue a call for an extra session to pass an eight-hour bill.

The platform adopted by the State convention of the Republican party, 1904, declared: "We favor the enactment of a fair, just, and equitable eight-hour law."

The platform adopted by the State convention of the Democratic party, 1904, declared: "The demand for an eight-hour law applicable to certain lines of employment has been incorporated into our constitution. It is, therefore, beyond discussion, and the general assembly must comply with the public mandate."

The State convention of the People's Party declared in the platform it adopted, 1904, that it favored "an eight-hour law so framed as to carry into effect and rigidly enforce the intent and purposes of the constitutional amendment."

CHAPTER IV.

NOTABLE MINING STRIKES IN COLORADO, 1880 TO 1904.

During the twenty-five years from 1880 to 1904, inclusive, the most serious strikes connected with the mining industry in Colorado were as follows: The strike of miners at Leadville, in 1880; the strike of miners at Cripple Creek, in 1894; the strike of miners at Leadville, in 1896–97; the strike of miners at Lake City, in 1899; the strike of miners at Telluride, in 1901; the strike of reduction-mill employees at Colorado City, in 1903; two strikes of miners at Cripple Creek, in 1903–4; the strike of smelter men at Denver, in 1903; the strike of miners at Idaho Springs, in 1903; the strike of mill men at Telluride, in 1903–4; the strike of miners at Telluride, in 1903–4; the strike of miners in the coal fields, in 1903–4.

The strike last mentioned was a strike of coal miners. The other strikes mentioned were strikes by metalliferous miners.

By executive orders, the militia of the State was sent to the following places in the years mentioned to quell disorder or threatened disorder occasioned by strikes: At Leadville, 1880; Cripple Creek, 1894; Leadville, 1897; Lake City, 1899; Colorado City, 1903; Cripple Creek, 1903–4 (two campaigns); Telluride, 1903–4 (two campaigns); Trinidad (in the southern coal fields), 1903–4.

CHAPTER V.

STRIKE OF MINERS AT LEADVILLE IN 1880.

A strike for higher wages and fewer working hours took place in 1880 at Leadville, Lake County, Colo. At that time the railroad was not completed to Leadville. Trains were running only as far as Buenavista, about 40 miles distant. The prevailing rate of wages for miners was $3 per day, though a few who worked in wet mines and men engaged in timbering received $3.50 per day. There was no regularity as to hours of labor, the men in some mines working eight hours, while those in others worked ten. The miners demanded an increase of wages of $1 per day, and that the hours of labor should be eight per day for men working above as well as for those working below the surface. These demands the mine owners refused.

The strike was declared by the Miners' Cooperative Union, which was really a local assembly of the Knights of Labor. Michael Mooney was president of the union and the principal leader of the strikers.

Dissatisfaction had existed for several months previous to May 26, 1880, when the strike began in the Chrysolite mine, of which W. S. Keyes was the manager. The men at this mine worked only eight hours, but they struck for an increase of wages, and also because they objected to an order by the manager which prohibited smoking and unnecessary talking during working hours.

When the day-shift men went to work at the Chrysolite at 7 a. m. on May 26 they were informed by the night-shift men, numbering 300, that the long-expected strike was inaugurated. The two shifts united and compelled the carpenters to quit work. Then they marched to the Little Chief mine, and were about to send a committee below to induce the miners to cooperate with them. At the mouth of the shaft they were met by George Daly, manager of the mine. Michael Mooney informed him that the union demanded that he should increase the wages of his men from $3 to $4 per day, also that he should discharge his shift boss and that the men should have the privilege of choosing their own shift boss. A parley ensued which resulted in Manager Daly calling the men up from below and closing the mine. He also closed several other mines which were under his charge. Other mines were shut down by their managers, while the strikers compelled the men in some mines to quit work. By noon Leadville's splendid industry was paralyzed. The only exceptions were the El Paso and the Olive Branch mines, which had paid $4 per day for some time as a precautionary measure.

The number of men who quit or were thrown out of work was about 3,000. The strikers formed a procession, headed by a brass band, marched through the streets and to Fairview Hill, where they held a mass meeting. Speeches were made by Michael Mooney and other leaders, who declared that until the demands of the union should be granted work would not be permitted at any mine in the camp. On May 27 there was another procession and a mass meeting of the strikers on Friar Hill. The number of miners in the procession was not less than 2,500. On May 28 another mass meeting was held on Fairview Hill. The main object of these meetings was to perfect the organization of the union. President Mooney announced that another meeting would be held on the next day, and that miners who were not already members would have an opportunity of joining the union. He also said that no man who was not a member of the union would be permitted to work in any mine in the camp.

A report that the Chrysolite and the Little Chief mines had been barricaded and were guarded by men who were heavily armed caused excitement and indignation among the strikers. A committee visited the mines and found the report correct. President Mooney said that he had given his word to Manager Daly that no property would be damaged, and he considered the barricading of these mines as a breach of faith on the part of the manager. However, he cautioned the men not to commit any breaches of the peace.

At a meeting of the mine managers on May 28 the following resolution was adopted, based on telegrams received from the mine owners and directors in the East:

> *Resolved*, That acting under the instructions from our respective companies, we, the undersigned, respectively decline to accede to the demands upon us by the Miners' Cooperative Union.

This was signed by the managers of the Chrysolite, Little Chief, Big Pittsburg, Little Pittsburg, Iron Mountain, Colorado Prince, Black Prince, Lowland Chief, Morning Star, Evening Star, Glass-Pendery, Niles Augusta, Adelaide, Florence, Marian, Climax, Breece, and Smuggler. The mine managers notified the county authorities that they demanded protection, and that the county would be held responsible for any damage that might result to their property. The board of county commissioners, at a meeting held on May 29, decided to take precautions against any violence. Accordingly, on May 30, Sheriff L. R. Tucker posted a notice calling upon all able-bodied citizens to be ready to assemble with arms upon the bugle call. The placard served only to intensify the excitement, and this was further heightened by the parading on Memorial Day of the two local military companies, one of which was in sympathy with the strikers, and which was followed by nearly 500 of them.

On the same day, May 30, a conference was held by Sheriff Tucker, President Mooney, Manager Daly, and others. After a good deal of talk, Manager Daly asked President Mooney if members of the union intended to attack men who should return to work on the mines. President Mooney replied emphatically, "No;" that such an attack had never seriously been contemplated; that he had counseled members of the union to preserve the peace, and that he himself would assist in arresting disturbers of the peace. On request, this statement was put in writing, and was signed by President Mooney and by E. E. Baker, who was second in command of the strikers.

The publication of this statement had a quieting effect for a day or two, and on May 31 work was resumed at several mines, including the Chrysolite, the Little Chief, and the Little Pittsburg. However, President Mooney's advice to the strikers to refrain from unlawful acts did not long restrain them. During the next few days there was considerable disorder. Men who had returned to work and men who desired to return to work were intimidated by members of the union, and in some cases abused and assaulted, so that some mines were prevented from reopening, and men who worked in some of the mines which had reopened quit work because they feared maltreatment if they continued to work while the strike was in progress.

Several fruitless efforts at arbitration were made. On June 10 the strikers offered to compromise on the basis of $3.50 per day with eight-hour shifts, but the managers rejected the proposition.

A semimilitary organization of citizens was formed to preserve order, over 2,000 being enrolled. On June 11 the following proclamation was issued by the Citizens' Executive Committee of Five Hundred:

> Notice is hereby given by the undersigned, a committee of the citizens of Leadville, that the citizens aforesaid are thoroughly determined that work on the mines shall be resumed, there being to their certain knowledge men enough in the camp willing to work at the rate of wages offered by the mines, provided the intimidation now practiced under the auspices of the miners' union cease.
>
> The citizens now hereby state that an adequate force of men, properly armed, has been enrolled, for the purpose of maintaining the peace of the county and protecting such miners as may be willing to go to work; that, at the first step taken by any adherent of the union or other disturbers of the peace to interfere with, intimidate or threaten any miner willing to work, the undersigned will hold the leaders of the union responsible with their lives.
>
> All parties, whether miners or others, who may be themselves intimidated or threatened, will confer a favor by communicating the names of the parties engaged in such intimidation or threats, and the time and place, with a view to take prompt and exemplary action.
>
> THE CITIZENS' COMMITTEE OF FIVE HUNDRED.

On account of representations made to him, Governor Frederick W. Pitkin sent several cases of rifles with ammunition to Leadville. The citizens' committee asked all business men to close their stores, to take arms in their hands, and, by force, if necessary, disperse the strikers, and at the same time protect such men as were willing to resume work.

On June 12, 600 or more men, many of them armed, formed an imposing semimilitary procession, marching through the streets of Leadville. They did not come in conflict with the strikers, but the latter, instead of being overawed, were greatly irritated by what they considered an attempt to force them to accept the managers' terms.

THE MILITIA ORDERED OUT.

Sheriff Tucker and several prominent citizens of Leadville sent telegrams to Governor Pitkin, representing the condition of affairs as very alarming, declaring there was danger of bloodshed and of destruction of property, and calling upon him to declare martial law. The governor received these messages about 1 o'clock on the morning of June 13, 1880. He at once telegraphed to Sheriff Tucker, directing him to summon to his aid every law-abiding citizen in Lake County, if necessary to protect life and property and enforce the laws. The telegram further said:

> The whole power of the State, if necessary, will be used to support you in preserving the peace, in protecting property and in protecting from threats, intimidation and violence every workingman who desires to labor. You will put in command of the temporary militia now in your service such officers as you deem best, and I will either send or appoint a competent officer to muster them into the service of the State and take command. I will consider the question of declaring martial law, as requested by you and other citizens.

At the same time Governor Pitkin directed David J. Cook, senior major-general of the State militia, to proceed at once to Leadville and take such steps as might be necessary for the safety of the city and its inhabitants. About noon of the same day, June 13, Governor Pitkin received a telegram declaring that it was absolutely necessary that he should declare martial law at Leadville immediately. This message was signed by over 100 citizens, including the lieutenant governor of the State and various county and city officials. No representations or information of a different tenor reached the governor from any source. He, therefore, on the same day issued the following proclamation declaring martial law in Lake County:

> EXECUTIVE OFFICE,
> *Denver, June 13, 1880.*
>
> Whereas, it is represented to me that a condition of affairs now exists in Lake County, Colo., by which the lives and property of the citizens of said county are in jeopardy, and the civil authorities have

notified me that there is reasonable apprehension that they will be unable to restore peace and order without the aid of the military power of the State, and have reported to me that the public safety requires that said county should be declared under martial law;

Now, therefore, I, Frederick W. Pitkin, governor of Colorado and commander-in-chief of the State militia, do hereby declare said county of Lake to be under martial law until this order is revoked. It is further ordered that Maj. Gen. David J. Cook take command of the military forces in Lake County, and that he organize and muster into the service of the State as many companies, battalions and regiments as in his judgment may be necessary to preserve the peace and protect the lives and property of the people of said county. In case the forces in said county may be insufficient to meet the emergency, he will be supported by the entire military power of the State.

It is further ordered that until said Maj. Gen. David J. Cook shall reach Leadville and assume command, that William H. James, who has this day been commissioned a brigadier-general in the State militia, shall assume command and take all necessary steps for the public safety.

FREDERICK W. PITKIN.

By the governor:

FRANK HALL,
Adjutant-General.

UNION MEN FORCED TO LEAVE CAMP.

Maj. Gen. David J. Cook arrived at Leadville on June 14 and enrolled sixteen companies of volunteer soldiers on that day. Several of the strikers and their sympathizers received orders from the citizens' committee to quit the county, and they left on the afternoon of June 14. In this number were both the editor and the publisher of the Crisis, the local organ of the miners, and also a deputy assessor and three members of the typographical union. A warrant was sworn out for the arrest of Michael Mooney, the leader of the strikers, and a reward of $5,000 was offered for his arrest, but he was in hiding. The effect of military rule was to stop all disorder on the part of the strikers, and on June 15 work had been resumed with nearly full forces at all mines.

SETTLEMENT OF THE STRIKE.

A representative of the miners' union asked permission of the military officers to hold another meeting of the union, with a view to effecting a settlement of the strike. General Cook granted permission that an open meeting of the union should be held, and on June 17 a meeting was held which was attended by the strikers, military officers, mine managers, and other citizens. There was a general discussion upon a series of resolutions presented by a committee from the union. These resolutions, in which the miners' union proposed to resume work upon the terms on which they had been employed before the strike began, were adopted. However, Manager Keyes, of the Chrysolite mine, and Manager Daly, of the Little Chief and other mines, assured the miners that they would recognize the eight-hour system in the future, as they had in the past, and pledged themselves that they would use their personal influence to have the system adopted generally throughout the camp. It was distinctly understood that the miners were to return to work at the former wages wherever they could get employment, and that no strike would be ordered or permitted against the managers who insisted upon ten-hour shifts. Further, it was agree that the leaders of the strike should be granted exemption from punishment, and permission to work if they could obtain it, but those who were known to have counseled or resorted to violence or intimidation would not be reemployed. It was not required that the union should disband, but the miners were made to promise that the union would make no public demonstration of a threatening character. On this basis of settlement the strike was declared off on June 17, and the strikers resumed work the next day.

The city council and various citizens telegraphed to Governor Pitkin that it would be unsafe for him to revoke, at that time, his order declaring martial law in the county, but on the evening of June 18 all troops at Leadville, except one company of infantry and 20 calvarymen, were relieved from duty.

Michael Mooney addressed a mass meeting of workmen at Denver on the evening of June 17. At the conclusion of the meeting he was arrested by the sheriff at Denver on the request of the sheriff at Leadville, but on the next morning he was released on receipt of a telegram from Sheriff Tucker, of Leadville, saying that the persons who had sworn out the warrant against him had changed their minds and decided not to prosecute him.

On June 22 Governor Pitkin received telegrams from Major-General Cook saying that Leadville was as quiet as it had been before the strike; that the civil authorities could maintain the peace unaided by military force, and that it was prudent to revoke the proclamation of martial law. On receipt of these telegrams the governor issued the following order:

STATE OF COLORADO,
Executive Office, Denver, June 22, 1880.

The order heretofore made declaring martial law in Lake County is hereby revoked.

FREDERICK W. PITKIN, *Governor.*
FRANK HALL, *Adjutant-General.*

On the same day the troops remaining at Leadville were mustered out of service.

CHAPTER VI.

STRIKE OF MINERS AT CRIPPLE CREEK IN 1894.

Mines were first opened and operated at Cripple Creek, Colo., in 1891. The Cripple Creek district was a portion of El Paso County, the county seat of which is Colorado Springs, until 1899, when the county of Teller, embracing the Cripple Creek district, was created. At the time the labor disturbances began in 1894 no railroad had reached Cripple Creek, but a railroad from Colorado Springs was completed to the district before those disturbances ended, reaching Victor May 26. It was completed to Cripple Creek July 3, 1894.

The Western Federation of Miners, organized in 1893, had a large number of members in the Cripple Creek district when the strike of 1894 began. In January, 1894, 40 mines and prospects were working under the eight-hour schedule and 9 under the nine-hour system. The union scale called for a minimum wage of $3 per day of eight hours' work, although many union men, under contract or other conditions, were permitted to work nine hours per day. All of the mines of larger production were paying $3 for eight hours' work, excepting the Independence, which was working nine-hour shifts at $3.25.

On January 17, 1894, a notice was posted at the Pharmacist mine to the effect that all miners who desired to continue working on that property would be required to work ten hours a day and lunch on their own time, or work eight hours for $2.50 per day. A few days later similar notices were posted at the mines of the Isabella property, owned by J. J. Hagerman, and at the Victor and Anaconda mines, owned chiefly by D. H. Moffat and Eben Smith. These mines were the largest producers, employing nearly one-third of all the miners at work in the district for wages. No reason for the reduction was assigned other than that the production of the properties did not warrant the wages then paid. The miners, referring to the fact that the latest quarterly statements of the respective properties showed that large dividends had been paid, took the position that there was no cause for a reduction of wages. The mine owners held that the mines, having but a slight development, were not steadily producing a large profit and that they were worked at great expense for transportation of supplies and for hauling ores over the mountain roads to the railway terminals.

On February 2 a mass meeting of miners was held at Anaconda, at which John Calderwood, a prominent union miner, advocated that all mine managers working their men nine hours be given notice to comply with the rules of the union that eight hours should constitute a day's work at a minimum of $3 a day, and that if they failed to comply with this rule within ten days the union should call out all men working nine hours. This measure was adopted and put into execution. Among the principal mines which continued at $3 for eight hours were the Pikes Peak, Garfield, Grouse, and C. O. D. By special arrangement with the union the Independence and Portland mines continued operations, paying $3.25 for nine hours a day and $3 for the night shift of eight hours, and this agreement continued in force for two years thereafter.

The mines against which the strike was directed were picketed by members of the miners' union, but during the latter half of February and the first half of March some of the mine managers secured enough nonunion miners to operate their properties. Some of the miners who were working contrary to union rules were maltreated and severely dealt with by union miners.

On the evening of March 16 six deputy sheriffs, while on their way to the Victor mine to protect that property from threatened injury, were surrounded near Altman by a force of miners and arrested. One of the deputies was wounded by a pistol shot; another was struck on the back with a club. The deputies were disarmed, taken to Altman, and arraigned before the police magistrate, who was a union miner, on the charge of carrying concealed weapons, but, being released, they returned to Cripple Creek. The rioting miners visited various mines and drove away men who were objectionable to them.

MILITIA ORDERED OUT.

On the same night the sheriff of El Paso County, M. F. Bowers, appealed to Governor Davis H. Waite for troops to preserve order. The governor responded by dispatching three companies—the signal corps and a battery of artillery from Denver and a company from Colorado Springs. Besides, a force of 50 deputy sheriffs were sworn in at Colorado Springs to serve in the Cripple Creek district. The troops, under command of Brig. Gen. E. J. Brooks, arrived at Cripple Creek on the morning of March 18. On the morning of that day General Brooks and Adjt. Gen. T. J. Tarsney had a conference with the county officials and Cripple Creek business men. To quote from the report of the adjutant-general:

> Early in the day General Brooks and myself were asked to a conference with the officials of the county and the business men of Cripple Creek, whom we met to the number of perhaps 30 at the Palace Hotel. They represented to us the terrible conditions existing in the city and adjacent mining camps, representing that there was no safety for life or property in either, and declaring that the civil authorities were unable to preserve the peace; that the roads and trails

were guarded by armed men, openly defying the officers of the law. The sheriff of the county, Mr. M. F. Bowers, was present, and declared his inability to serve the process of the courts. A careful inquiry into these affairs by General Brooks and myself disclosed the fact that no person in the county had been charged with the commission of any offense in regard to the existing labor troubles, and that no warrant or other process of court had ever issued, and that neither the sheriff nor any of his deputies had ever been resisted in any way, nor had Sheriff Bowers ever been or had he ever sought to go to Bull Hill, where it was alleged that the trouble existed. After this conference I told Sheriff Bowers that the troops were there at his solicitation, but only in aid of the civil authority in the service of process; that on his own showing no process had issued from the courts, the military was not subject to his order, and that the facts in the case would at once be made known to the governor.

On the evening of March 18 prominent union men from Altman met General Brooks and General Tarsney, by invitation, in Cripple Creek, to discuss the situation. These union officials affirmed, to quote from General Tarsney's report, "that no resistance to constituted authority had been offered by anyone in the mining districts, and that no disturbance of any kind had occurred beyond the ordinary small offenses that are constantly occurring in mining camps." These facts being telephoned to the governor, he ordered the withdrawal of the troops, and they were withdrawn on March 20.

On the evening of March 19 General Tarsney was waited upon by Sheriff Bowers and County Commissioner Boynton. The sheriff stated that, being informed of General Tarsney's refusal to use troops except to aid in the service of warrants, he had made a hasty trip to the county seat, Colorado Springs, and had secured warrants for the arrest of 18 men, in whose arrest he demanded the aid of the adjutant-general with the military force of the State. This aid the adjutant-general declined to give, telling the sheriff he need not apprehend interference in the discharge of his official duty. When advised that warrants for them had been issued, the 18 men voluntarily surrendered. They were taken to Colorado Springs and jailed for a time. The case of each one was dismissed without trial, with the exception of two, who were acquitted before an El Paso County jury. The following is quoted from the message of Governor Davis H. Waite to the general assembly in 1895:

> During the month of April and to the 20th of May quiet existed in the Cripple Creek district. The largest producing mines were, however, closed, and many miners idle, although three-fourths of all the mines had continued in operation with eight hours for a day's work and $3 a day's pay. The closed mines belonged to nonresident owners and were voluntarily shut down, as it is claimed, in order to save $3 freight on ore per ton to the railroad terminal.
>
> Meanwhile the sheriff of El Paso County, with the knowledge and authority of the county commissioners of El Paso County, was en-

gaged in enlisting men and swearing them in as deputy sheriffs until he had enlisted about 1,200 men, divided into infantry, cavalry, and artillery. About May 20, 1894, of this illegally organized force, nearly 200 were sent by way of Pueblo and Florence to take forcible possession of the mines near Victor.

About May 10 a committee of seven miners met, by invitation, a like number of mine owners in conference at Colorado Springs. In an endeavor to adjust their differences the mine owners submitted an ultimatum of $2.75 for eight hours' work. The miners unanimously rejected this proposition. The mine owners determined to put a force of men of their own selection into the mines. Sheriff Bowers enlisted a force of several hundred special deputies to protect the men who were willing to go to work in the mines which had been closed. The union miners apprehended that this large force of deputies was intended to drive them from the county. They also knew that the sheriff held a large number of warrants for their arrest on charges of lawless conduct. These circumstances aroused them to defiance. Anticipating an attack from the deputies the strikers armed themselves, established headquarters, and intrenched themselves on Bull Hill and enforced military discipline. Men who sought work or who were suspected of disloyalty to the union were ordered out of the camp and in some cases severely beaten.

One hundred deputies, under command of Capt. J. C. Veatch, left Denver on May 24 for Cripple Creek, and were joined at Colorado Springs by about 50 more, arriving near Victor on the following morning. The number of deputies under command of Sheriff Bowers then numbered about 1,200.

The miners marched down Bull Hill in force to meet the deputies and took position near the mines on Battle Mountain, just above Victor. They attacked and captured the Strong mine, where non-union men were working. This mine had been guarded by a squad of deputies, who were captured and their arms and ammunition confiscated. Not content with this bloodless victory, some of the hot-heads among the strikers injured their cause by wanton destruction of the shaft house and machinery of the Strong mine. This was accomplished by an explosion of giant powder. The superintendent (Sam McDonald), the foreman, and the engineer were caught below the wreck and imprisoned in the mine for thirty-six hours.

The deputies, realizing that an assault upon Bull Hill would be fatal to many of them, withdrew down the line of the Florence and Cripple Creek Railway to Wilber station, where they encamped for the night. On the morning of May 25 a force of 300 strikers started out to attack the camp of the deputies. Fifty men sent in advance unexpectedly ran close upon the outposts of the deputies. Both sides opened fire. Harman Crawley, the leader of the strikers, was killed, two men wounded, and six taken prisoners. Frank Rabideau, one of the deputies, was killed. The captured strikers were taken to jail at Colorado Springs. The three men who had been imprisoned by the explosion of the Strong mine were liberated, taken to the camp of the strikers on Bull Hill, and held as hostages for the six prisoners taken by the deputies. Later an exchange of prisoners was made.

On May 26 Governor Waite issued a proclamation, in which he called upon the strikers to lay down their arms, to cease resistance to the law, and to desist from assembling in unlawful bodies. He also declared that the assembly of a great number of deputy sheriffs, many of them recruited from other counties, was illegal, and he demanded that they immediately disperse. Under section 856 of Mills's Annotated Statutes of Colorado, Governor Waite held that the sheriff of any county was authorized to deputize only citizens of that particular county. He regarded the act of Sheriff Bowers in swearing in deputies by hundreds and equipping them with stands of newly purchased arms as really the formation of an army. He held that the right to appoint deputies did not give the right to assemble an army and that the act of Sheriff Bowers was a usurpation of the power of the chief executive. Though the deputies were under the command of the sheriff, the governor considered the mine owners as backing the movement, and that the object of enlisting and arming such a body of men was to force the miners to give up their struggle.

Governor Waite left Denver by special train on the night of May 27. The next morning he appeared on Bull Hill, where he met the strikers and assured them that they should not be ill-used by the deputies. On the afternoon of May 28 he held a conference with the strikers at Altman, the result of which was that they appointed him their sole arbitrator, with power, if possible, to settle all the differences between them and the mine owners.

At Colorado Springs on June 2 Governor Waite met J. J. Hagerman, one of the largest mine operators, to consider upon what terms existing differences might be settled, so as to avert a conflict at arms. The governor and Mr. Hagerman agreed upon terms, but, other parties intefering, no settlement was then effected.

At this time bands of armed men were assembling in many mining camps in the State and preparing to march to aid the strikers at Cripple Creek. At Rico, in the southwestern part of the State, 100 men, fully armed, under the leadership of Capt. William Simpson, had seized a train on the Rio Grande Southern and had proceeded as far as Montrose, over 100 miles, when a telegram from the governor reached them, commanding them to return to their homes and advising them that efforts to effect a settlement would be continued.

Another arbitration conference was arranged and was held in Denver June 4. The mine owners were represented by J. J. Hagerman and D. H. Moffat, the governor appearing as sole arbitrator for the strikers, E. T. Jeffery and J. F. Vaile as neutral parties, and Eben Smith and J. B. Grant as witnesses. The governor and Messrs. Hagerman and Moffat agreed upon the following terms of settlement:

> For the purpose of settling the serious differences between employers and employees in Cripple Creek mining district, El Paso County, Colo., it is agreed by and between Governor Davis H. Waite, appointed by and representing the Free Coinage Miners' Union, No. 19, W. F. M. A., its members and other miners of said district, on the one part, and J. J. Hagerman and D. H. Moffat, for themselves as mine owners and employers of mining labor in said district, on the other part, as follows:
>
> 1. That eight hours' actual work shall constitute "a day," divided as follows: Four hours' work, then twenty minutes for lunch, then four hours' work, for which said eight hours of labor there shall be paid three ($3) dollars.
> 2. In the employment of men there shall be no discrimination against union men or against nonunion men.
> 3. The undersigned, J. J. Hagerman and David H. Moffat, earnestly urge upon other mine owners and employers of mining labor in said Cripple Creek mining district to accede to and act upon the foregoing agreement.
>
> Davis H. Waite.
> J. J. Hagerman.
> D. H. Moffat.
>
> Dated June 4, 1894.

On the same day the people of Cripple Creek, rejoicing in the belief that the agreement made in Denver meant permanent peace in the camp, decorated the city and paraded the streets with bands of music. The strikers were mollified and relaxed their vigilance. For the first time in many days they came into town and freely mingled with the people. But there was a sudden change when it was learned that the army of deputies, 1,200 strong, under Sheriff Bowers, had advanced from Divide and were on a forced march to Bull Hill. Being informed of this movement, Governor Waite, on the evening of the same day, June 4, ordered the entire National Guard to the scene of disturbance. Quoting the terms of arbitration agreed upon earlier in the day, the proclamation of the governor continued:

> And whereas the riot or insurrection now existing in Cripple Creek has been and now is beyond the power of the civil authorities to control, the lives and property of citizens of said county are in jeopardy, and application has been made by the sheriff of said county for military aid;
>
> Now, therefore, I, Davis H. Waite, governor of Colorado and commander in chief of the Colorado National Guard and the militia of the State, do call upon all organized companies of the Colorado

National Guard to be and appear in the said county of El Paso, under the orders of Brigadier-General Brooks, to restore peace and order in said Cripple Creek mining district, El Paso County, Colo. All persons whomsoever in said county of El Paso unlawfully engaged in strife are warned to preserve the peace, and any unlawfully in possession of real property to yield the possession thereof to the rightful owners; and to cease any and all acts tending to promote civil war, to the end that the laws may resume their sway and the rights of property be determined by the courts.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at Denver, this 4th day of June, A. D. 1894.

DAVIS H. WAITE,
Governor of Colorado.
NELSON O. MCCLEES,
Secretary of State.
LYMAN B. HENDERSON,
Deputy Secretary.

On June 6 the deputies, led by Sheriff Bowers, came within range of Bull Hill, and exchanged shots with the pickets of the striking miners. Sheriff Bowers received orders from Governor Waite to observe a truce until the troops should arrive. The force of deputies went into camp at Grassy. On June 7 there were several skirmishes incident to the reconnoissances of the pickets on both sides. Owing to heavy rains and washouts the militia did not arrive until the afternoon of June 7. The militia, commanded by Brig. Gen. E. J. Brooks, took a position between the opposing forces. Immediately upon going into camp General Brooks notified Sheriff Bowers that his orders were to prevent bloodshed, to restore order in the camp, and to enforce the law. He notified the sheriff that he (Brooks) would assume charge of all further operations, that a further advance by the deputies would not be permitted, and that the pickets should be withdrawn. In this the sheriff acquiesced.

On that night the strikers cut the telegraph and telephone wires, repeated their raid upon the town for arms, strengthened their lines of defense, doubled their pickets, and arrested all persons who came within their reach, regardless of their purpose.

On the morning of June 8 the entire force of deputies left their camp in three columns, moving toward the miners' camp on Bull Hill. General Brooks and his staff pursued the deputies, overtaking a column led by Sheriff Bowers, from whom he demanded to know the meaning of this movement. The sheriff pleaded that he had no control over the men. The other columns were intercepted and informed that the National Guard would open fire upon them if they did not return. The deputies heeded the warning, turned about face, and marched back to their camp in Beaver Park. The adjutant-general telegraphed the governor as follows:

CRIPPLE CREEK, *June 8—12.30 p. m.*

DAVIS H. WAITE, *Governor:*

The deputies moved from the right and left of our position this morning, contrary to agreement not to do so, and advanced on the miners. It becoming evident to General Brooks that they intended an attack upon the miners, the entire column was put in motion and the bodies of deputies overtaken at a point 1 mile from Altman. Under orders of General Brooks they returned to their camp.

I most respectfully urge, in view of our close proximity to the miners, that we be instructed to receive their surrender, which I am credibly informed that all are anxious to make. They sent a committee for that purpose to confer with me last night, but the committee were arrested by the deputies and I did not meet them.

Answer.

T. J. TARSNEY, *Adjutant-General.*

To which the following answer was received:

DENVER, COLO., *June 8, 1894.*

Adjutant-General TARSNEY:

Accept surrender of the miners. Do not disarm them, but protect them with all your power. Make a cordon and keep armed deputies out. Advise sheriff and make no arrests. Use no force to compel any arrested man to go with the sheriff. Let that be voluntary. If the armed deputies resist your authority, I will call out the unorganized militia to suppress their insurrection.

DAVIS H. WAITE, *Governor.*

About 4 o'clock p. m. the following dispatch was received by the governor from Sheriff Bowers:

CAMP BEAVER, *June 8, 1894.*

DAVIS H. WAITE, *Governor:*

Deputies were sent out in squads this morning to arrest parties for whom I have warrants and who were trying to leave this district. While these deputies were in the discharge of their duties they were intercepted by General Brooks, with the State militia, and ordered to return to camp. I understand the militia are here to aid me in serving process and placing the mine owners in possession of their property. If this is not the case and they are sent here to prevent me from doing my duty and hindering the law, then I most respectfully request their immediate recall.

M. F. BOWERS, *Sheriff.*

To which the governor replied:

DENVER, *June 8, 1894.*

M. F. BOWERS, *Sheriff,*
Camp Beaver, Cripple Creek:

It is ill advised to send out squads to arrest miners at this time. General Brooks is in the field to compel peace. He is ordered to prevent any arrests or attacks by armed deputies. The militia are under the orders of the commander in chief, and not of the sheriff. If the deputies resist the order of General Brooks to suppress insurrection they resist the lawful power of the State.

DAVIS H. WAITE,
Governor and Commander in Chief.

The adjutant-general, on receipt of the telegram from the governor authorizing him to receive the surrender of the strikers, gave the order to Brigadier-General Brooks, who put the militia in motion. Without opposition the militia entered the camp of the strikers, where the strikers peaceably surrendered.

On the following day, June 9, the deputies, to the number of 1,100, broke camp at Beaver Park, marched to Cripple Creek, and made a demonstration through the principal streets, still maintaining a threatening attitude. They made numerous arrests of citizens and indulged in outrageous acts toward other citizens, many of whom, for no offense at all, were clubbed and kicked, dragged from the sidewalks, and forced to march between the lines of deputies. Toward evening the deputies took up the line of march, with the intention, as stated by them, of going into camp at the Independence mine. General Brooks and Capt. Carl Johnson of his staff intercepted them and demanded to know where they were going. Bob Mullins, a head deputy, replied: "To Bull Hill, to arrest the miners." General Brooks informed them of his orders and that he would disarm them if this should be attempted. The deputies then went into camp at the Independence mine. Sheriff Bowers, who could not be found by General Brooks, having admitted that he could not control the deputies, Adjutant-General Tarsney telegraphed Governor Waite as follows:

ALTMAN, COLO., *June 9, 1894.*

Sheriff Bowers admits his inability to control his deputies, and some of his officers agreed with him. This was the reason of his failure to keep faith with General Brooks.

TARSNEY, *Adjutant-General.*

In reply to which the governor sent the following:

DENVER, COLO., *June 9, 1894.*

General TARSNEY
(for General BROOKS, *Cripple Creek*):

If, as you say, Sheriff Bowers admits that the deputies refuse to obey his orders and are acting in defiance thereof, they are not a lawful body; are only armed marauders, and you must treat them as such. Order them to lay down their arms and disperse. If they refuse to obey and you have not force enough to suppress this new insurrection, notify me and I will call out the unorganized militia to enforce the order.

DAVIS H. WAITE, *Governor.*

About the same time General Brooks sent this telephone message to the governor:

> If you can communicate with mine owners and have the deputies discharged I will guarantee peace and protection. If there is any trouble it will be on account of the deputies, and the sooner they are discharged the better.

General Brooks demanded that the citizens arrested that day by the deputies in Cripple Creek and vicinity be surrendered. No answer being received, he sent Captain Bartlett with a detachment to demand their immediate release. Bob Mullins and other leaders demurred to this demand, but wiser counsel prevailed and the prisoners were set at liberty. About 7 p. m. General Brooks telephoned Governor Waite as follows:

> ALTMAN, *June 9, 1894.*
>
> Situation critical. Sheriff persists in camping his main force at Independence mine, claiming to do so at request of mine owners. Has already abandoned the plan to leave an armed guard at the summit. There is but one solution, in my judgment—martial law. General Tarsney concurs in this view.
>
> BROOKS, *Commanding.*

SETTLEMENT OF THE STRIKE.

At the instance of Adjutant-General Tarsney, a conference of military officers and prominent mine owners was held at Altman on June 10. At this conference a settlement was agreed to, providing for the immediate withdrawal of the deputies from the Cripple Creek district. The next day the deputies moved to Colorado Springs, the county seat, where they were paid and discharged. Under the terms of the agreement a portion of the National Guard were stationed at different places in the district for thirty days, the remainder being returned home and relieved from duty. Peace was established in the district, all of the properties were restored to the control of their respective owners, and the mines resumed operations at wages and hours in accordance with the agreement signed by Governor Waite and Messrs. Hagerman and Moffat on June 4. The agreement provided that ordinary miners should be paid $3 for eight hours' work, and these wages and hours have been observed in the district ever since the ending of the strike of 1894.

Indictments were found against 37 of the striking miners, charging them with various acts of violence. All of the cases were dismissed by nolle pros except three. One of the three men who were tried was convicted of stage robbery, but was released by the supreme court. Two were convicted of blowing up the Strong mine, and each was sentenced to seven years' imprisonment, but both were pardoned before their terms expired.

Adjt. Gen. T. J. Tarsney, by profession a lawyer, was attorney for some of the arrested miners when they were placed on trial at Colorado Springs. Public sentiment in Colorado Springs had been strongly opposed to the strikers, and was strongly opposed to the Populist administration of Governor Waite. About midnight of June 23, during the term of trial, a band of about 15 masked men entered the office of the Alamo Hotel and induced the clerk to call General Tarsney from his room. When he made his appearance he was seized by the men, struck on the head with a revolver, and hurried into a carriage at the door. He was driven to a lonely spot on the prairie, 5 miles from the city, then stripped of his clothing, and tarred and feathered. In this condition he was left to grope his way in the darkness through a rough country, and he wandered about for hours, until he reached a farmhouse, where he was taken in and relieved of his torture. Who the perpetrators were was never definitely proved. Several people were arrested and were confined for some time in jail, but their cases never came to trial.

CHAPTER VII.

STRIKE OF MINERS AT LEADVILLE IN 1896-97.

From about 1882 until the financial crisis of 1893 the wage of miners in the Leadville district was $3 per day. A wage scale of $3 per day means that $3 is the minimum wage paid to all persons employed in or about a mine, except only laborers on the surface who are not engineers or cagemen. On the $3 scale, engineers receive $4 per day; pumpmen, $3.50 per day; timbermen, $3.50 to $4 per day; shift bosses, $4 per day; and where the work of the miner is more than ordinarily onerous, as in sinking shafts or working in wet places, he receives $3.50 per day. These figures are not absolutely uniform, but approximately so.

After the great and sudden depression of business in the summer of 1893, and after the mines and smelters at Leadville had closed down and all were uncertain of what the future would bring forth, the mine managers and miners and business men and mechanics and laborers of the district all united in a friendly effort to resume work, and as a result an agreement was made to reduce the wages of miners from $3 to $2.50. At that time the Knights of Labor was the only labor union to which any miners in the Leadville district belonged, but many of the miners had already left that organization. On September 14, 1893, a committee representing the miners as a whole agreed with the principal mine owners upon a wage scale, which provided that all miners and men employed under ground should be paid $2.50 per day for all calendar months in which the average quotation of silver should be less than 83½ cents an ounce, and $3 per day for all calendar months in which the average quotation should be 83½ cents or over. Miners working in shafts or wet places to be paid 50 cents per day additional. At that time silver was quoted at 73½ cents per ounce, a greater price than was quoted for it at any time from then until the strike in 1896.

The Knights of Labor was succeeded after a time by the Western Federation of Miners, a local union of which, established at Leadville in May, 1895, grew rapidly in membership. The members made systematic efforts to get every mine worker in the district to join this union. Men were warned to join it by certain dates or else get out of town; further, they were told that they would not be allowed to work in Leadville or elsewhere in the West unless they should become union men promptly.

Preceding this strike of 1896, as admitted by the union itself, 65 per cent of the miners, trammers, topmen, and laborers employed in mining in the Leadville district received $3 per day. The mine owners claimed 70 to 75 per cent received $3 per day, but the Federation declared that this was too high an estimate. The higher rate of wages had come about gradually after the agreement of 1893, under the natural law of supply and demand.

On May 25, 1896, a committee of Federation officials waited upon the managers of several mines and made a verbal request for an increase of 50 cents a day to miners, topmen, engineers, and all others except miners already receiving $3 per day. All the managers approached refused this request. On June 19 another committee waited upon the same managers and others. Being asked by the managers for a written statement, they presented one which requested that the wages of miners then receiving $2.50 per day be increased to $3, "with the usual hours which have governed said work heretofore." The statement also said:

> We further wish to ask that said increase of 50 cents per day be applied also to topmen, engineers, pumpmen, firemen, and timbermen. Engineers to work same number of hours as miners while sinking in shafts, which is eight hours. Dry mines ten hours day and nine hours night, except in cases where it is necessary to retain engineer as watchman or otherwise. Each or any of said shifts to be paid at the rate of $4 per day.

Some of the mine managers declined to grant the request, while others offered to consider it. On the evening of June 19 a special meeting of the local union was held, which was attended by about 1,200 members. By substantially a unanimous vote those present decided to call out all employees receiving less than $3 per day, and to put the strike into effect at 11.30 o'clock that night, when the men would come up from the mines for supper. Thirteen mines and 968 men were affected. The order was implicitly obeyed. It may be mentioned that previous to the declaration of the strike neither the mine managers nor the union discriminated against nonunion men, and union and nonunion men worked side by side in the same mines.

At a meeting of mine managers on June 22 an agreement, the substantial part of which follows, was adopted:

> First. That we will decline to submit to such, or any, illegal and inequitable interference from whatever source it may emanate.
>
> Second. That we will immediately close down all mines now operated by us in said Leadville district, and keep such mines, and also the mines heretofore closed down by us, closed until such a period of time as the majority of the signers hereof shall agree to open the same.
>
> Third. To aid each other at any and all times that it may become

> necessary, in the furnishing of men for the protection of property, and also in the furnishing of pumpmen and engineers when the pumpmen and engineers employed shall be or may be induced to desist from working.
>
> Fourth. To not make any terms or agreement of any sort with the miners except by the consent and agreement of a majority of the signers hereto.
>
> Fifth. To not recognize or treat in any manner or at any time with any labor organization.
>
> This agreement to continue in force until such a time as the same shall be dissolved by a majority of the signers.

The fact that the mine managers had agreed not to deal with any labor organization and to take no action without the consent of the majority of the parties to the agreement was not then publicly known, and indeed remained a secret until it was disclosed by the investigations of a joint special legislative committee early in 1897.

Within three days after June 19 all the larger mines in the district were closed, throwing nearly 1,300 additional men out of work, making a total of about 2,250 men idle in consequence of the strike. Governor Albert W. McIntire directed the deputy commissioner of labor, William H. Klett, to visit Leadville for the purpose of conciliation and of effecting a settlement if possible. Mr. Klett succeeded in bringing about a meeting of mine managers and a committee of the miners. The committee presented the miners' side of the case, as follows:

> This camp is 65 per cent of married men with families, and they are going from bad to worse. It is simply a case of existence. By working thirty days in a month they can earn only $75. It will cost them $65 a month to exist; that is, $30 for groceries, $10 for rents, $10 on an average for clothing, $6 for fuel, $4 for water, $3 for milk, and $2 for insurance; total, $65. Should they have any sickness in their families, it simply makes dishonest men out of honest ones, for they are unable to pay it. On an average men do not work over 24 shifts to 28 shifts a month, through sickness or something.

The mine managers declined to accede to the demand for increased wages, giving as a reason that "the mine products have decreased in value since the panic of 1893, and are now of a less value than when the agreement of September 14, 1893, was made upon the basis of wages of $2.50 per day." The mine owners offered to submit the question to arbitration, but the miners objected to this proposition. Some time later the deputy commissioner of labor again renewed his efforts to induce the miners to submit their case to arbitration, but was again informed by them that they had nothing to arbitrate. The following is quoted from the State labor commissioner's report dated December 1, 1896:

> As soon as it became apparent that arbitration could not be secured, the mine managers began negotiations for new men to take the places

of the striking miners. At first no effort was made to import miners from outside the district, and, save a few stragglers, none reached the camp until after the Coronado and Emmet incident of September 21. The strikers, on the other hand, began preparations for strengthening their own positions, and committees were appointed whose duties were to meet and present the cause of the strikers to all newcomers in the camp and persuade them, if possible, not to take the places of the miners who were out. Pickets were stationed at convenient points on all railroads and highways leading into the city, and committees were constantly in waiting at the depot to meet all incoming trains. As time wore on and the feeling became more intense, complaints began to be made of men turned away from the camp or escorted out of it by force on the part of the strikers, and of threats and beatings administered to nonunion men. Many arrests were made, but few convictions were secured, as it was seldom that an aggrieved party could recognize an assailant.

On July 10 a consignment of Marlin rifles, said to have been 500, arrived at the gun store of Charles McHugh. These quickly disappeared, and the belief on the part of the mine managers and property owners that they had been distributed among the striking miners added greatly to the general feeling of anxiety and apprehension.

The following is quoted from the message of Governor McIntire to the general assembly in January, 1897:

> For a considerable period quiet continued to prevail at Leadville; in fact, as I am credibly informed, order in that city and county was never better preserved than it was during the earlier period of the strike. Later on, however, rumor and then specific statements of acts of intimidation and lawlessness were conveyed to me. Appreciating that inevitably where in any community there is a large number of idle men and where feeling and interest tend toward angry disputes an increase of crime occurs, knowing that in the most orderly communities and assemblages there are always some who are possessed of little self-control, I deemed the result natural and not calling for action on my part, but that the local authorities could and would maintain order.
>
> At the same time acts of intimidation and lawlessness were charged as being committed in a systematic and preconcerted way, and although the evidence tended to show this to be true, nevertheless it was only later on in the course of events that this was proved to be the fact. This later was, to my mind, conclusive evidence that an executive committee, in some manner satisfactory to itself, was appointed by the union named to conduct the strike. This committee was appointed on or about June 24, and on or about and not later than June 30 this committee ordered, if my recollection is clear, 500 rifles, which were received about July 10, shipped from New Haven, Conn., and paid for on or about July 11 by an officer of that body out of moneys on deposit in the Carbonate Bank said to belong to the miners' union. The evidence shows, on information which I deem reliable, that an officer of the union was appointed to distribute these rifles, and took receipts for each, with the number of the rifle, together with rounds of ammunition for use in the same.

What are termed "regulators," armed with revolvers, which were kept at the headquarters of the miners' union, according to the evidence, consisting of small bodies of strikers, directed by so-called captains, moved about through the vicinity of Leadville, intimidating and assaulting and abusing workingmen who were nonunion men, ordinarily called "scabs," who were deemed to be willing to accept the employment refused by the strikers. Five of these captains of "regulators" were deputy sheriffs, under appointment by the sheriff of Lake County, and, as I am informed officially, are under indictment for participation in the Coronado and Emmet affair.

Receiving information of increased lawlessness in Lake County, the governor, on July 21, telegraphed to M. H. Newman, sheriff of that county, as follows:

DENVER, COLO., *July 21, 1896.*

To SHERIFF, *Lake County, Colo.:*

From what are deemed reliable sources I am informed that in your county bodies of men are acting together with intent to do violence to person and property, and are doing such violence, and by force and violence are breaking the laws of the State. Further, that a condition exists approaching or threatening to amount to an insurrection; that armed squads are patrolling the county, keeping people from going to Leadville, having already beaten several men and driven them out of that city at the points of guns; that they are interfering with people coming into Leadville on trains, particularly laboring men, ordering them back and compelling them to go against their will, and that these are not isolated cases, but of common occurrence. Complaints are made to me by workingmen that they are prevented from entering Leadville, in one instance the laborer desiring to go into Leadville having a money order on the post-office there. These complaints and statements are so numerous that I can not refuse to give them attention. Please report by wire what the situation and facts are.

A. W. MCINTIRE.

In reply to this, and on the same day, Sheriff Newman sent the following telegram:

LEADVILLE, COLO., *July 21.*

Governor MCINTIRE,
Denver, Colo.

SIR: Your communication by wire just received. Replying to the same, will say that if any of the parties have been molested at any time they have made no complaint to me or to the courts here, and that I am desirous of enforcing the laws of the State. The condition as represented to you is not correct. There is no disorder, and although there is a strike, the laboring men are perfectly quiet and orderly, and would themselves repel any violence or lawbreaking. If any parties who have complained to you will enter their complaints here, they shall have prompt attention, as we are able and willing to maintain the laws and preserve the peace.

I have the honor to remain,

M. H. NEWMAN,
Sheriff Lake County.

On the next day the sheriff sent the following additional telegram:

LEADVILLE, COLO., *July 22.*

Hon. A. W. MCINTIRE,
Denver, Colo.

SIR: Since my telegram of last night I have traced source of rumors to fact that some people, acting through best motives, thinking to protect life and property, have stopped suspicious-looking men and prevented their entering the town. I have issued the following proclamation:

To whom it may concern:

Whereas certain unauthorized persons have undertaken to prevent people entering Leadville, under the belief that they were suspicious characters; and

Whereas such action, while well meant, is illegal and in violation of the personal liberties of the citizens:

Now, therefore, notice is hereby given that any person so interfering with the rights of ingress and egress of any person into Lake County, except by due process of the law, will be vigorously prosecuted.

Any person giving information which will lead to the arrest and conviction of parties so offending will be suitably rewarded.

M. H. NEWMAN,
Sheriff Lake County.

I can and will preserve order, enforce the law, and execute all process issued by the courts. If at any time the power of the county should prove insufficient for the purpose stated, I shall not hesitate to call upon you for aid.

M. H. NEWMAN,
Sheriff Lake County.

The following is quoted from the governor's message to the general assembly in January, 1897:

> Anxious not to interfere, I accepted the statement and assurance of the sheriff as made in good faith, although the information came from seemingly reliable sources, which has since been proved to be correct, that the sheriff was avoiding the performance of his duty, stating that he was unable to ascertain who the guilty parties were and in fact refusing to observe what was going on within his own jurisdiction, so far as acts of intimidation and lawlessness were concerned.

A regular meeting of the miners' union, held on September 17, adopted resolutions declaring that there had recently been "several disgraceful breaches of the peace," which had falsely been charged against the union; that the union "denounced such occurrences in the severest terms possible, and especially assaults and interference with personal liberty, as cowardly and unmanly:" Therefore,

> *Resolved*, That any violation of the law or disturbance of the peace by any member of this union endangers the success of our cause, and is, therefore, treason to that cause, and that we regard such as an act of treachery, affecting the interests of many in order that petty individual spites and malignities may be indulged.

The union adopted then also the following:

Resolved, That in view of the constant reports of assaults, rows and conflicts occurring in different parts of the city, the president and secretary of this union are hereby instructed and requested to demand that the mayor and board of aldermen enforce the law by closing all saloons at 12 o'clock midnight, and keep them closed, as required by law, at least until the strike is ended.

On September 18 Samuel D. Nicholson, mayor of Leadville, issued a proclamation ordering all saloons to be closed promptly at midnight, according to law, and warning "all persons to desist from acts of violence, intimidation or lawlessness of any kind."

In August and September there were reports of men drilling with arms and parading in military order in and about the city. Mine managers sought to have the governor send militia to the district. This was opposed by the miners' union and the local civil authorities. The latter maintained that substantial peace and quiet prevailed and that they were able to uphold law and order.

Shortly after the commencement of the strike the mine owners began to negotiate for the importation of miners from places outside of Colorado with whom to work their mines. On August 19 some of the mine managers gave notice that unless union men should return to work on or before August 22 miners would be imported from elsewhere. The union men not returning to work, some of the managers made arrangements to get miners from Joplin, Mo., but the first lot of these did not arrive until about the fourth day after the destruction of the Coronado property on September 21. Knowledge that labor was about to be imported, which would probably break the strike, had an aggravating effect on the strikers, and undoubtedly was the main reason of the attack upon Coronado.

The first attempt to resume work at any mine was made at the Coronado, where an inside fence was built around the surface working, and arms were obtained for the use of employees. The manager explained that he took these precautions because of reports that an attempt would be made to prevent the reopening of the mine, while abuse and threats had been directed against him personally. About August 17 underground work in the Coronado began with a force of about 17 men, all of them residents and miners of Leadville, which force was increased to about 20 by September 20. The Emmet property also had been fenced with boards, and mining there was resumed with a force of 40 men, of whom 35 were in the mine on the night of September 20-21. The men who took the places of the strikers were threatened, some of them beaten, and several of them shot at. The city police force seemed inadequate to prevent such violence and the offenders were not arrested. Reports that the reopened mines would be destroyed were circulated.

About 12.30 a. m., September 21, people living near the Coronado mine were aroused and told to leave their homes, as trouble might be expected. At 1 a. m. a mob of from 100 to 150 men, among whom were unquestionably many of the strikers, made an attack upon the Coronado mine. Three dynamite bombs were thrown to destroy the large oil tank within the inside inclosure, which tank supplied fuel for the boilers. The contents of the tank escaped, spread over the ground, and set fire to the buildings. All of the buildings except the shaft house and all of the machinery on the surface were destroyed, causing a loss of about $25,000.

At the time of the attack the employees about the mine consisted of 17 men and 1 boy. They made a vigorous resistance with firearms. The attacking party also was fully armed, and immediately after the first bomb explosion a general fusillade commenced, which continued for half an hour. Three of the attacking party, identified as members of the Federation, were killed. The defenders of the mine escaped from both the bullets and the conflagration. Many citizens of Leadville seized arms and hurried to the scene. The city fire department arrived promptly, but the firemen were threatened with death and impeded in every attempt to stay the flames. One of them, Jerry O'Keefe, while holding a nozzle, was fatally shot—the fourth man to meet his death in this riot.

About 3 a. m., when the buildings of the Coronado mine were in full blaze, the rioters made a rush toward the Emmet mine, half a mile distant. Bombs were thrown, destroying a portion of the fence around the mine. An improvised cannon, which had been made out of steampipe reenforced with babbitt metal, was discharged at the shaft house. The rioters rushed at the opening in the fence, but were driven back by a terrible fire of buckshot and rifle bullets. They renewed the charge, but were again repulsed. They then retreated without inflicting further damage to the property or any of its defenders; but another of the mob, also a member of the Federation, was killed.

MILITIA ORDERED OUT.

About 1.30 a. m., September 21, Sheriff Newman telegraphed Governor McIntire as follows: "The situation here is beyond my control. I am compelled to call on you for aid to preserve order, and hereby do so. Am of present opinion strong force is needed. Send militia as soon as possible." District Judge Frank W. Owers joined Sheriff Newman in another telegram requesting the governor to "send militia as soon as possible."

Pending the arrival of the militia many citizens were under arms to prevent further destruction of life and property. In the afternoon a large mass meeting was held in the opera house, and those present pledged themselves to give every assistance in their power toward restoring and maintaining order. By the evening of September 21 the number of troops that had arrived at Leadville was 230; by the next evening it was 653. On September 22 Mayor Nicholson and the common council sent to Governor McIntire a telegram in part as follows:

> We find the situation most critical. It is apparently quiet, but there is great danger of an outbreak at any moment. Life and property are both in danger from organized forces of armed men who can be concentrated at any point at a minute's notice. Should troops be withdrawn nothing will have been accomplished by our coming here. The only way to accomplish any permanent good is to suspend the law and direct the military to secure peace by force. Will you issue orders to that effect—in other words, declare martial law?

The presence of the troops had a quieting effect immediately upon the community, and there were no further outrages or breaches of the peace worthy of mention. The following is quoted from the message of Governor McIntire to the general assembly in January, 1897:

> It is not necessary for me to give an account of the occurrences known as the attack on the Coronado and Emmet mines at Leadville; they are known to you through the public press. This attack clearly was not a sudden, hasty crime, committed on the spur of the moment. Deliberation and premeditation on the part of those perpetrating these outrageous crimes are shown by the fact that carefully prepared bombs in considerable number were used. Others not used were afterwards found. An imitation cannon was found made out of iron pipes, from which a chain was fired at the oil tank, but it lodged in the shaft house of the Emmet after penetrating the same. Thousands of discharges of rifles and revolvers were heard during the two attacks mentioned. The attack on the Coronado was repulsed with slaughter to the attacking party. A fireman was murdered in the performance of his duty. The buildings were consumed by fire resulting from the explosion of the bombs referred to, and rifles with numbers, belonging to the consignment of rifles spoken of, were found near the bodies of men killed in the attack or just where they had fallen.
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> Within a few minutes of the call by telephone of the sheriff and the judge, and before I had received their telegrams, I sent for the adjutant-general and ordered the calling out of the national guard, which promptly responded to the call to arms and was sent to Leadville from their various localities, some of them entering that city in the evening of the same day, the remainder arriving the next morning. I issued such orders to the brigadier-general commanding as were by me deemed proper to meet the emergency. I found then, and have since been confirmed in the opinion formed by evidence to me thoroughly satisfactory, that a "reign of terror" had existed in that community, culminating in the attack and destruction of the Coronado and Emmet mines, which the sheriff, although expressing himself willing and able to preserve order in the community, had entirely failed to suppress or oppose.
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> A large number of the deputy sheriffs were strikers, and while I

do not believe it is true that the majority of the members of the miners' union participated in or desired to have brought about the lawlessness that existed, nevertheless it is clear to my mind that in the very nature of things the appointment and continuing in office of deputies who were participating in acts of lawlessness or who were strongly in sympathy with those who committed them was calculated to increase the disposition to lawlessness on the part of the worst element of those engaged in the strike, to relieve them from the restraint of fear of punishment, and to augment the fears of the law-abiding citizens and to prevent the segregation of such members of the miners' union as were well disposed and naturally law-abiding from that minority of them who were committing and upholding the commission of crime.

The disposition on the part of the sheriff's office of Lake County toward the enforcement of the law did not change until a change was made in the incumbent of that office. The very men who were captains of the regulators mentioned continued to be deputy sheriffs and were acting as deputy sheriffs until very recently, although it must have been known to the sheriff that they were guilty of the acts indicated and were under indictment for the graver crimes committed at the Coronado. Had the supremacy of the law been upheld by the sheriff—and in my opinion he could have prevented the lawlessness complained of had he so desired—the naturally law-abiding citizens among the union, and the majority I believe to be naturally law-abiding, would not have been themselves in turn intimidated by the turbulent minority into an acquiescence in the acts of their fellows which produced the reign of terror and the crimes committed in the terrible and fatal onslaught of the Coronado and the Emmet. It is worthy of note that at no time since the arrival of the State troops in Leadville has the sheriff of that county or the judge of that district indicated that the authority of the law could be sustained if they should be withdrawn.

All parties, including such members of the miners' union as I have conversed with, have to me urged that the troops were necessary, and, with rare exceptions, indicated it would be criminal on my part to withdraw the troops in view of the condition of affairs in that county, and that life and property would be sacrificed if that course should be adopted. Within a few days an honorable man has been selected to succeed the sheriff who was acting during all the time mentioned, the latter having been removed from his office by sentence of the district court of Park County. When the present incumbent was selected to perform the arduous duties of the office of sheriff of Lake County, I advised with him concerning a change in the situation, indicating that while willing to afford him every support he could properly desire, nevertheless, that if he felt able to cope with the situation that confronted him I would consider the immediate withdrawal of the troops. In the interim between the former sheriff and the selection of the new sheriff, I caused the force to be diminished, believing that a favorable change was taking place. At the suggestion and request of the sheriff, who expressed the desire that no further troops be withdrawn for the present, and because, in my opinion, from all the facts, both of record and from all sources, until the sheriff shall have had time to reorganize his office and acquaint himself fully with the situation from the standpoint of an official, the presence of the troops is necessary to the maintenance of order, I stopped further depletion of the force.

I believe, however, that under the new order of things in the sheriff's office of Lake County, in a very short time the troops may be withdrawn and the preservation of the peace and the supremacy of the law be maintained at the hands of the local authorities of Lake County, as they should be and should have been during this whole period.

Governor Albert W. McIntire was succeeded by Governor Alva Adams in January, 1897. In January the number of troops at Leadville was considerably reduced; in February it was reduced below 100; on March 10 the remainder of the National Guard on duty at Leadville were relieved from duty. As reported by Adjt. Gen. Cassius M. Moses, the entire cost of the military campaign from September 21, 1896, to March 10, 1897, was $214,185.24. This was provided for by an issue of 4 per cent twenty-five year bonds, authorized by the general assembly in 1897.

REPORT OF LEGISLATIVE COMMITTEE ON STRIKE.

The eleventh general assembly, which met in January, 1897, appointed a joint special committee to investigate the strike at Leadville. This committee consisted of Senators Oscar Rueter and Joseph Gallagher, and Representatives Theodore Annear, E. L. Sechrist, and James F. Gardner. Their report made a pamphlet of 46 pages, from which are taken the following quotations:

> At the meeting on the night of June 19, at which the strike was declared, a committee was appointed by the president, which committee had authority to appoint a committee of 20, the committee of 20 to have absolute and exclusive authority to conduct the strike. Regular meetings of the union continued for some time, but the management of the strike was not discussed at these meetings, because it was thought that with so large a body of men the plans of the committee, if disclosed, would be communicated to outsiders.
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> The committee of 20 appointed to manage the strike began to hold their meetings immediately after their appointment, and have held meetings and are still managing the strike. From the evidence it would appear that no records were ever kept of the proceedings of this committee, and that their meetings were wholly informal, with the exception of the first two or three meetings.
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> One of the first acts of the committeee of 20 was to order 100 Marlin rifles and ammunition, and to purchase 10 or 15 revolvers. The rifles arrived July 12, and were distributed, 5 to the sheriff of Lake County, and the remainder to the members of the union. The rifles cost $1,700, and were charged to the account of the union as sundries. The alleged purpose of purchasing the rifles was to protect the members of the union and to aid the civil authorities in preserving peace and protecting life and property, which the union feared would be destroyed by lawless characters and charged against the union, and

to keep lawless characters and hoboes out of the city; but your committee has been unable to determine that at the time the rifles were purchased there was any real danger of violence to the members of the union or to the public peace, either from lawless characters or from the mine managers or from any other source.

The next step was the establishment of two headquarters for the financial and material aid of members of the union. These establishments were called soup houses, one of which was established on Seventh street and one on Toledo avenue. At least some of the rifles purchased by the union, as above stated, were kept at these places, and these so-called "soup houses" became a kind of headquarters for members of the union.

The next important step taken by the committee of 20 was to appoint subcommittees, whose duties were to scour the surrounding country and keep lawless characters out of Leadville during the strike. The evidence of the members of the committee is that these armed committees were to confine themselves strictly to keeping out lawless characters; but there is considerable testimony showing that some members of these committees went beyond their instructions. There is no evidence that any lawless characters were turned back by these armed committees, while there is testimony that respectable and peaceable men, who were coming to Leadville in the lawful pursuit of their vocations, were stopped and turned back, and that other men lawfully pursuing their business were compelled to leave the city. There is also evidence that a number of men of good character, who were nonunion men and who worked at the mines after the strike, were most cruelly and brutally assaulted without cause or provocation. How much of this violence was directly committed by these armed committees your committee has been unable to ascertain.

An effort was made at the hearing to make it appear that these acts of violence were the result of drunken brawls, but the fact remains that all the acts of beating that were brought to the notice of the committee were cases in which nonunion men had been beaten up, and it is the opinion of your committee that some members of these committees perpetrated numerous outrages between the time the strike was declared and the time of the attack upon the Coronado; but your committee believe that these acts of violence were not authorized by the union or by the committee.

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On the evening of September 20 the owners of the Coronado and of the Emmet received some intimation that an attack would that night be made at these mines; they did not communicate these rumors to the civil authorities nor to the committee of 20, and there is no evidence that the union or the committee of 20 had any knowledge of any rumored strike, and the owners of the Coronado made no special preparations for defense.

The conclusion is inevitable from the testimony that from the time the strike was declared the main effort of the union was directed to keeping out foreign labor; that the union felt that the success of the strike depended upon keeping out foreign labor; that so long as the members of the union believed they were successful in this effort comparative quiet reigned in Leadville, but that as soon as it became evident that the mine managers would not come to terms and that nonunion labor would be imported the situation became threatening. Some members of the union became exasperated and desperate with the certain knowledge that foreign labor was about to be brought in and that thereby the strike was bound to fail; the unruly element forced and precipitated the attack on the Coronado and Emmet. There is no doubt that these acts were opposed to the interests of the union and to organized labor generally, and injured the cause of the strike more than anything else, and there is no doubt that these facts brought the militia to Leadville, and that the arrival of the militia was to the interest of the mine managers.

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Immediately after the strike was declared State labor commissioner Klett went to Leadville and sought to bring about a settlement, and the judge of the district court and others worked in the same direction, and further negotiations were had from time to time between the time the strike was declared and the time of the Coronado affair. These negotiations were characterized by a determination on the part of the union not to recede from its demands and a disinclination to arbitrate the proposition involved; while, on the other hand, the mine managers' agreement prevented them from arbitration until a majority of the signers agreed to it. It may, however, be said in a general way that a failure to come to an agreement before the Coronado affair was attributable largely to the conviction of the union that it was powerful enough to enforce its demands without arbitration.

From the time the strike was declared to the time of the destruction of the Coronado the civil authorities seemed wholly incapable of dealing with the situation. The sheriff, who should have administered his office with the sole view of maintaining the peace and discharging his duties impartially, acted in a manner which would indicate that he was not unbiased, and that his sympathies were entirely with the strikers. His chief deputy, who, by the way, seemed to be in charge of the office, was himself a member of the union, and 40 out of 43 deputies whom he employed, nominally for the purpose of preserving the peace, were members of the miners' union; two were members of the engineers' union, which struck with the miners' union, and the remaining man was a sympathizer with the union. When two of the managers applied to the sheriff for a number of deputies to protect their property he arbitrarily exercised his power and instantly appointed these two managers deputies and sent them to protect their property, and this in the face of their protestations that they had not slept the night before and were weary with looking to the protection of their property. In another instance, when an application was made to him by some of the managers for the appointment of deputies for the same purpose, he selected the leading mine managers of Leadville, and threatened to appoint them deputies for that purpose, and only desisted upon the strongest representation of the responsibility of such conduct by the judge of the district court, who, it is testified, said it would mean certain death to these managers, and that such appointments would simply be murder, and there is other evidence tending to show that neither fairness nor efficiency could be expected from the sheriff's office. No effort was apparently made by the sheriff to interfere in any manner with the conduct of the armed committees, except the proclamation issued by him, in which he offered a suitable reward for the apprehension of these armed committees; but this proclamation can not be treated as seriously meant by him in the light of all the circumstances; nor can the city authorities be said to have done all they should to maintain the peace and order of the city.

It is in evidence, and not disputed, that the district judge of Lake County took the liveliest interest in the strike from its inception; that he was in constant communication with the mine managers and with the union in regard to the matter, with the object of bringing about a peaceful solution of the strike; that he was in constant and close touch with the union, addressed one of its mass meetings, consulted with and advised the union, prepared resolutions and communications for the union, some of which were adopted by the union, and all of which suggestions were conciliatory and in the interest of peace, and that after his efforts to settle the strike had failed he declared his sympathies with the union, but in all these matters acted from conscientious motives; but the opinion of your committee is that the course he pursued was calculated to and did create the impression, both in the community and with the unruly members of the union, that in some way or other the power of the court would not be impartially exercised against lawlessness that might be perpetrated by members of the union in the course of the strike, but that no charges were preferred or testimony offered that any of his judicial acts warranted such an inference.

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Soon after the Coronado attack efforts were again made to bring about a solution of the difficulty between the mine owners and the miners by agreement or arbitration. Later on, very great efforts were made in the same direction by Governor Adams, Mr. Boice, the president of the Federation of Miners, Mr. Debs, and others, but none of these negotiations resulted in a settlement, and the strike has not yet been settled. In these later negotiations the refusal of the mine managers to recognize the union as a union was the principal obstacle to success. The position taken by the mine managers was that they would not deal with a union that pursued violent methods.

At the time your committee went to Leadville the condition of the negotiations for settlement between the mine managers and miners resolved itself into the following:

First. None of the men then employed, including the imported laborers, should be discharged.

Second. The mine managers should not discriminate between union and nonunion men, but might reject union men if there were valid objections on account of character.

Third. The union insisted that it should be recognized as a union and that all its differences should be submitted to arbitration.

Fourth. The mine managers refused to recognize the union and declined to arbitrate any questions excepting the wage scale.

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Your committee believes that whatever the grievance of the miners may have been the strike should not have been declared without further effort on the part of the union to bring about an adjustment, either by agreement or by arbitration, and that the strike should not have been declared without reasonable notice; that the strike was declared under a state of excitement which was calculated to bring forth trouble, and that calmer council should have prevailed; that the union did not use the necessary precautions to have the strike conducted with due order and without lawlessness; that the committee of 20 did not perform its duties with the order and care the responsibility of their positions required; that without foreign aid the strike could have had no chance of success; that there was no justification for the purchase of 100 rifles and other arms at the time they were purchased, and that the committee did not exercise sufficient care in distributing these arms among its members and keeping a record of who had them, and that the purchase and display of these arms naturally produced a state of terror in the community, with a just fear that destruction of life and property were contemplated; that the union prior to the Coronado affair was too inexorable in its demands, and the union did not have the control of its members which an organization of the kind should have; that it is true that the greatest danger to the success of the strike was the importation of labor, and while your committee believes the importation of labor is an extreme and a cruel measure, they can not deny that legally the mine managers had a right to import labor, and that the importation of labor could not justify the use of violence to resist it.

That the mine managers from the beginning and throughout the entire progress of the strike have shown an unjustifiable antagonism to organized labor in general; that this committee is forced to the conclusion that the proposed agreement prepared and discussed by the mine owners prior to the strike was aimed at the existence of the union in much the same way as the agreement of June 22, above set forth is; that with the existence of that agreement, which was kept secret until it was produced in the course of the committee's investigations, it is not likely that any agreement or abitration could have been arrived at before the Coronado affair, even if the union had been less arbitrary in its demands; that a failure to bring about a settlement of the difficulty since the Coronado affair, and up to the present time, is directly traceable to the unwillingness of the mine managers to treat with the union in any way that will recognize its existence; that considering the terrible outrages committed in Leadville, the injury and financial disaster brought to a number of the mine managers by reason of these outrages, and the state of terror and fear of personal violence which a number of the mine managers have suffered during the strike, there is justification on their part for their feeling of bitterness toward the union, but even that does not justify a refusal to deal with any labor organization; that in the opinion of your committee a dissolution of the present union and the organization of a new union would be an idle form, because the new union would no doubt be composed of the same members, and that, therefore, if the mine managers will recede from their positions not to deal with labor organizations, your committee can see no further practical reason why they should not deal with the present union; and here it is proper to state that a number of the leading mine managers testified that they had no objection to organized labor, but on the contrary believed it was necessary for the welfare of the laborers and for the

State that laborers should organize to protect their interests. The testimony of the mine managers who were examined at the hearing clearly indicated that they hold a large body of the union men in high esteem, and that they would be only too glad to be able to give them employment.

By February, 1897, most of the union miners had returned to work on the mine owners' terms. Leadville is the only important gold-mining camp in the State of Colorado where the eight-hour working day has not been established.

CHAPTER VIII.

STRIKE OF MINERS AT LAKE CITY IN 1899.

On March 14, 1899, a strike of miners began at Lake City, Hinsdale County, Colo., or, to be more exact, at the village of Henson, which is 3 miles from Lake City. Two mines were affected—the Ute and Ulay and the Hidden Treasure. The Aulic Mining Company leased and operated the Ute and Ulay mine and mill, in which about 100 men were employed, of whom about 40 were Italians. The Hidden Treasure Mining and Milling Company employed about the same number of men, with about the same proportion of Americans and foreigners. The Italians were members of a local union of the Western Federation of Miners, which union had been organized only a few months previously. Some Americans also were members of this union.

The cause of the strike was a requirement of the companies that all single men in their employ should board at company boarding houses. The Italians refused to comply with the orders to this effect. They sought to induce the Americans also to strike, but the latter continued to work. The Americans were unaware of any disturbance until the day shifts started to work on the morning of March 14, when they were met by the Italians armed with rifles. Not a man was allowed to enter the mines. The Americans having been driven away from the mines, a few returned to go to work, but they were beaten by the Italians, who threatened to shoot them if they should return again.

The discovery was made that the State armory at Lake City had been broken open and that the arms and ammunition therein—50 Springfield rifles and 1,000 rounds of ammunition—had been removed. Investigation showed also that within a few days the Italians had purchased nearly all the Winchester rifles and other firearms on sale in the town.

Lieut. W. C. Blair, of the local company of militia, Company A, Second Infantry, National Guard of Colorado, telegraphed, March 14, to Col. George F. Gardner, inspector-general, at Denver: "Armory broken open last night. All arms and ammunition stolen." Colonel Gardner replied: "Put sheriff and officers onto burglary. Arrest all concerned in taking arms and ammunition. Keep us advised by wire." Colonel Gardner left Denver for Lake City on the evening of March 14.

Immediately after the discovery of the looting of the armory, a conference of citizens was called. Those who attended advised the sheriff to proceed with only one deputy to the mines and endeavor to prevail on the Italians to lay down their arms and submit to the arrest of the eleven of their leaders for whom he had warrants. Sheriff James W. Deck and a deputy went to the mines at Henson and after a parley of three hours returned to Lake City without having accomplished anything except the closing of the saloons at Henson. The Italians declared that they would not submit to the arrest of any of their number, nor would they allow the Americans to return to work at the mines.

Another conference of citizens was held on the evening of March 14, the outcome of which was that a posse was organized to go with the sheriff to Henson to make arrests. However, on March 15, the eleven Italians for whom warrants had been issued, after being assured by the sheriff that they would be released on their own recognizances, submitted to arrest, came to Lake City, signed peace bonds, and were released. W. C. Clark, secretary of the local miners' union was arrested, charged with breaking into the armory and taking arms and ammunition. After a preliminary hearing he was bound over to a magistrate's court.

The Italians continued to declare that they would allow no one to work at the mines or mills until the order requiring single men to board at company boarding houses should be withdrawn. Sheriff Deck visited Henson on the night of March 15 and was convinced that the strikers meditated violence. Thereupon he telegraphed to Governor Charles S. Thomas as follows:

MILITIA ORDERED OUT.

Governor Thomas, *Denver, Colo.:*

There is now at the Ute and Ulay and Hidden Treasure mines in this county an armed body of men of 100 or more, principally Italians, acting together by armed force and offering violence to personal property, and by force and violence breaking and resisting the laws of the State and the authority of the sheriff of Hinsdale County. I hereby request you, as commander in chief of the military forces of the State, to aid me with militia in quelling the rioting and enforcing the laws and suppressing the violence, which I am unable to do with the civil authority at my command. Immediate action is urgently necessary. Secrecy should be observed to avoid danger of life and property.

J. W. Deck,
Sheriff of Hinsdale County.

This telegram was received by the governor about 1.30 a. m. on March 16. He ordered four companies of infantry and two companies of cavalry—326 men and officers—to the scene of disturbance.

The first detachment of this force arrived at Lake City early on the morning of March 17. The strikers had been kept in ignorance of their coming by the establishment of a censorship of the telegraph service, which was done on the order of Adjutant-General Barnum.

On March 16 the mine owners were busy paying off their employees. They decided that they would no longer employ any Italians. However, the only mines in which large numbers of Italians had been employed were the Ute and Ulay and the Hidden Treasure.

On the arrival of the militia the military officers insisted upon a trial of peaceful measures before other action should be taken against the strikers. Accordingly a conference was held by the military officers and the civil officers to decide upon a plan of action. Dr. G. Cuneo, Italian consul at Denver, who had gone to Lake City at the request of Governor Thomas, was present at the conference, as were also the managers of the two mines involved in the strike. A plan was adopted which resulted in the submission of the strikers without bloodshed or the use of force.

A party of military officers and civil officers went from Lake City to Henson on the afternoon of March 17. They were accompanied by Doctor Cuneo, and were preceded by an Italian courier sent ahead to assemble the strikers. On arrival of the party at Henson, Doctor Cuneo addressed the strikers, informed them that he represented the Italian Government in Colorado, and that the officers of the State and county would deal fairly with them. He asked them to lay down their arms and submit to the law. He then read the names on the warrants which he held. As he called each name a man stepped forward, and with uncovered head saluted him and also Col. H. E. Macarey, both of whom answered the salute. But when a demand was made for the guns missing from the State armory not a response came. Twenty-one men were arrested, and they submitted to arrest good naturedly. They were driven to Lake City and locked in the county jail. The charge against them, based on section 3165 of the State statutes, was threatening with violence and intimidation. On the 18th of March more arrests were made, making the total number of men arrested 32. On that day writs of injunction were served on 68 of the strikers to restrain them from interfering with the operation of the mines and mills.

On March 18 the military officers held a court of inquiry, examining a score of witnesses to ascertain who had broken into the armory, but nothing of importance was learned. On the same day five detachments of soldiers searched the abandoned cabins and the abandoned shafts about Henson to find the missing arms, but found none.

SETTLEMENT OF THE STRIKE.

Many of the citizens of Lake City, because they feared that much violence would follow the withdrawal of the troops, demanded that the Italians should be driven out of the county, but the Italian consul protested against such procedure. The military officers, civil officers, mine managers, citizens, and the Italian consul reached an agreement on March 20 under which the prisoners should be released upon the understanding that the single men should leave the county within three days and the married men within sixty days. The agreement further provided that employees of the companies might board wherever they pleased. This settlement was received with general approval except by the Italian consul and the Italian strikers, but as the managers of the companies had already resolved not again to employ Italians, the foreigners really had no inducement to remain in Hinsdale County, so that they, too, acquiesced in the settlement.

On March 20, 1899, the troops were withdrawn from the county. On the same day work was resumed at both the Ute and Ulay mine and the Hidden Treasure mine. Americans only were employed, and neither mine had a full force for some time. The report of the adjutant-general to the governor, dated November 30, 1900, said regarding this strike: "The strike was settled without any violence being resorted to. The arms stolen from the armory at the time of the strike have not been recovered, although persistent efforts have been made by this department."

CHAPTER IX.

STRIKE OF MINERS AT TELLURIDE IN 1901.

The strike of gold miners which began at Telluride, San Miguel County, Colo., on May 2, 1901, led to a very serious disturbance two months later. The object of the strike was to abolish the fathom or contract system of work. This system was an innovation in Colorado. It is an old Cornish system, and was introduced in the Smuggler-Union mine about 1899, up to which time comparatively few of the miners in Colorado had ever heard of it. As applied to mining, the fathom means 6 feet high, 6 feet long, and as wide as the vein, whatever it may be. If a miner happened to get into a wide vein of ore his earnings would be very small. The work was not even let by contract which the miner helped to make. The management simply fixed a given price per fathom and the miners could accept it or go without work.

Under this system the earnings of the miners as a whole had been materially reduced. The system was really a violation of the spirit of the eight-hour day. Many of the miners worked more than eight hours a day, and yet were unable to earn the current wages in the district—viz, $3 per day. The miners claimed also that the contract work made the mine more dangerous and greatly increased the liability to accident.

The Smuggler-Union Company refused to abandon the fathom system, and the strike was simply a contest to decide between two methods of employing labor. Just after the strike was declared the local union of Western Federation of Miners proposed to Arthur L. Collins, the assistant manager of the company, that the question in dispute be submitted to the State board of arbitration and that both sides should be governed by its decision. Mr. Collins rejected this proposition, insisting that there was nothing to arbitrate.

After the Smuggler-Union mine had been closed for about six weeks, work was resumed there on June 17, 1901, with about 50 miners, which number was increased within two weeks to about 90. In addition, about 60 men were employed in the concentrating mill. The miners were employed, not in accordance with the fathom system, but by the day, receiving the regular wages of the district; in short, the mine resumed operations with nonunion men upon exactly the same terms upon which the union miners were willing to declare the strike off and return to work.

This action of the manager greatly exasperated the union men, it appearing to them to be a deliberate purpose upon his part to destroy their organization and work the mine with nonunion men; and that after the union had been destroyed he would restore the fathom system.

James T. Sullivan, of Leadville, a member of the executive board of the Western Federation of Miners, spent about two weeks at Telluride trying to induce the management to compromise in some way, but Mr. Collins said that he would soon have all the workmen he needed and refused to concede anything. On several occasions after the reopening of the mine and mill, a committee from the miners' union visited the property and tried to induce the employees to quit work, but without result.

About daybreak July 3, 1901, about 250 union miners, armed with rifles, shotguns, and revolvers took positions behind rocks, trees, and other obstructions near the mine buildings. When the night shift was coming off and the morning shift was about to go on, a committee of the strikers came within hailing distance of the nonunion men and notified them that if they should quit work immediately they would not be molested, but if they did not do so there would be trouble. The nonunion men were in charge of William Jordan, a foreman, and they also were armed. A fusillade of shots commenced, with the result that John Barthella, a union miner, was instantly killed. This inflamed the blood of the strikers, and they opened fire upon the company's buildings, in which nonunion men were supposed to be sheltered. These men took refuge in the Bullion tunnel and returned the fire of the strikers, but without effect. The firing between the contending forces continued until about 10 o'clock, when the nonunion men capitulated and surrendered their arms. When the battle was over it was found that three men were dead and six wounded. All of the killed were employees of the company, except Barthella; all of the wounded were employees of the company save one, who had been accidentally wounded by one of his striking comrades.

NONUNION MEN FORCED BY UNION MINERS TO LEAVE CAMP.

The surrender of the nonunion men was with the understanding that they would be permitted to leave unmolested. In the afternoon the strikers lined up 88 of them, all who had not escaped, escorted them up the trail to the top of the range, saw them heading into Ouray County, and cautioned them never to return to Telluride. In spite of the understanding that they would be allowed to leave unmolested, many of them were outrageously beaten; one was beaten into insensibility; another was shot through both arms. Late in the afternoon of the same day a truce was patched up, the terms of which follow:

> It is hereby agreed between the miners' union, by Vincent St. John, president, and the Smuggler-Union Mining Company, by Edgar A. Collins, that all work shall cease in said mine for the space of three days, ending Friday evening. Also that the said miners' union will refrain from violence, either to person or property, for the same period.
>
> The said Smuggler-Union mine is to have the right to keep four men as watchmen at the Bullion tunnel, one at Penn tunnel, and one at Sheridan dump.
>
> Agreed to, this 3d day of July, 1901.
>
> SMUGGLER-UNION MINING COMPANY,
> By EDGAR A. COLLINS, *Assistant Manager.*
> VINCENT ST. JOHN.

Several telegrams requesting the presence of troops were sent to Governor James B. Orman. O. D. Downtain, sheriff of San Miguel County, telegraphed the governor, on July 3, that the situation at Telluride was beyond his control and requested that 500 militia be sent there at once to assist in quieting the trouble. By order of the governor, one troop and four companies were mobilized at Denver. But the governor did not deem it wise to send a force of soldiers to the distant scene of trouble without first being convinced that such action was necessary for the preservation of order. He desired further information before acting, and placed himself in communication with citizens of Telluride. Some of these citizens informed him that the situation was quieting down. State Senator W. S. Buckley telegraphed him that troops were then, late on July 3, unnecessary. The governor determined to send a commission to Telluride to report to him the exact condition there. The following were appointed and left for Telluride on the evening of July 4, 1901: Lieutenant-Governor D. C. Coates, John H. Murphy, attorney for the Western Federation of Miners, and Theron Stevens, district judge of the judicial district in which Telluride is located. On the afternoon of July 4 Governor Orman sent the following telegram to Manager Collins:

> DENVER, COLO., *July 4.*
>
> ARTHUR L. COLLINS,
> *Manager of Smuggler-Union Mining Company,*
> *Telluride, Colo.:*
>
> Unlawful possession of property will not be tolerated in this State, and if property is not immediately surrendered to rightful owners immediate action will be taken by State authority and all parties implicated severely dealt with. The sheriff has not been denied troops.
>
> JAMES B. ORMAN, *Governor.*

Upon the arrival of the three commissioners at Telluride, July 5, they visited the Smuggler-Union mine, found it in the possession of the company and everything in the vicinity of the mine quiet and peaceful. The following telegram was sent to Governor Orman:

TELLURIDE, COLO., *July 5*.

GOV. JAMES B. ORMAN,
Denver. Colo.:

Have just returned from Smuggler mills and mines; everything peaceful and no armed force anywhere about. Manager Collins and brothers say they have had peaceful possession of mine since Wednesday, and there had been no indication of trouble since that time, and no reason to believe there will be any more. No need of troops whatever from present indications. Further conference of management and men to-morrow.

D. C. COATES.
THERON STEVENS.

SETTLEMENT OF THE STRIKE.

During most of the day on July 6 a conference was held between Manager A. L. Collins, a committee from the miners' union, citizens of Telluride, and the commissioners from Denver. The result was that the following agreement was reached:

This memorandum of agreement, on this 6th day of July, A. D. 1901, entered into between the Smuggler-Union Mining Company and Local Union No. 63, Western Federation of Miners, of the county of San Miguel and State of Colorado, witnesseth:

That the differences heretofore existing between the parties hereto have been amicably adjusted on the following basis, to wit:

First. The union expresses its entire disapproval of the recent outrages.

Second. The company agrees not to discriminate against the union nor the members thereof, and the union and the members thereof undertakes not to interfere with nor molest nonunion men.

Third. The company agrees to let the secretary or president of the local union have full access to its surface property at all reasonable hours, provided that the work of the men is not interfered with.

Fourth. The union agrees to use all its influence to stop the illicit selling of liquor in Marshal Basin, or around the mine.

Fifth. The company is to have the right to let contracts to any men who wish to take them, all such contracts to be on printed forms, which are hereafter to be drafted by J. H. Murphy, representing the union, and Jacob Fillius, representing the company. Such contracts are to be for the period of one month, at the end of which time the work done under the terms thereof shall be measured up, and if it shall appear that the contractor has not earned three (3) dollars or more per shift, the company undertakes or agrees either to pay off the contractor at the contract rate, or to raise the contract price pro rata; this is to say, the price for the work will be raised so as to make it equivalent to three (3) dollars per shift for future work of the same contractor.

Sixth. If the president or secretary of the union shall at this time represent to the management of the mine that any contractor is inefficient or dangerous to the safety of other workmen, or unable to carry out the requirements of the contract or agreement, the management agrees to measure up at once the amount of work already done by such contractor, and in the event of such amount of work being less than at the rate of three (3) dollars per shift the company will pay him as is provided in paragraph 5 of this memorandum of agreement.

In witness whereof, the Smuggler-Union Mining Company has caused its name to be fixed by its general manager under the seal thereof, and the Local Union No. 63 has authorized its president and secretary to execute this agreement on its behalf and to affix hereto the seal of the union.

Done in the city of Telluride, San Miguel County, State of Colorado, this 6th day of July, A. D. 1901.

The troops mobilized at Denver were relieved from duty. In conformity with the agreement, the strike was declared off, the Smuggler-Union mine and mill resumed operations, and peace and quietude were restored in the Telluride district. On and after July 6, the non-union men who had been deported were permitted by union men to return to the camp. Many of them did return and some worked in the same mines with union men without interference.

On November 28, 1901, the mine managers and the miners' union agreed upon a scale of wages and hours for the Telluride district. The wage scale, fixed upon at the termination of the strike of the Smuggler-Union miners, the preceding summer, was rather uncertain and indefinite. There had been misunderstanding and confusion over the wages of several classes of workmen employed in and about the mines. The new agreement was made permanent for a period of three years. It practically abolished the contract or fathom system which was so objectionable to the miners. It fixed eight hours as a day's work for all men working underground. The agreement in full follows:

On this, the 28th day of November, 1901, it is hereby agreed between the Telluride Mining Association and the 16 to 1 Miners' Union No. 63, Western Federation of Miners, that for the period of three years (3 years) from the date hereof, the following scale of wages will apply in all the mines owned or controlled by members of the association:

Mines—underground.

Miners	$3.00 for 8 hours.
Machine men	4.00 for 8 hours.
Trammers and shovelers	3.00 for 8 hours.
Drivers	3.25 for 8 hours.
Timbermen	3.50 for 8 hours.
Timbermen, helpers, and laborers	3.00 for 8 hours.
Nippers	3.00 for 8 hours.
Hoisters (engineers)	4.00 for 8 hours.
Station tenders	3.00 for 8 hours.
Cage tenders	3.50 for 8 hours.

Mines—outside.

Engineers	$4.00 for 12 hours.
Engineers (if hoisting men)	4.00 for 8 hours.
Firemen	3.50 for 12 hours.
Blacksmiths and tool sharpeners	4.00 for 9 hours.
Blacksmiths' helpers	3.25 for 9 hours.
Laborers	3.00 for 10 hours.

Tramway.

Gripmen and loaders	3.00 for 10 hours.
Brakemen and linemen	4.00 for 10 hours.

The rate of wages for all labor not enumerated herein and including foremen, shift bosses, head mechanics, etc., shall be subject to special agreement.

Apprentices will be employed under special arrangement.

All men are required to go to and from their work on their own time.

Contracts, when made, are to be in writing.

One dollar per day will be charged for board and lodging, but all employees have the privilege of boarding and lodging where they please.

All ten-hour men working on the hill, excepting tramway men, will be allowed one hour for dinner on company's time.

THE TELLURIDE MINING ASSOCIATION,
By CHARLES A. CHASE, *Secretary.*
16 TO 1 MINER'S UNION, No. 63, W. F. M.,
By V. ST. JOHN, *President,*
O. M. CARPENTER, *Secretary,*
CHARLES TRIMBLE,
CHARLES OLSON,
JOSEPH GONTIER.

In 1902 there was a sad sequel to the strike of 1901. On November 19, 1902, while Arthur L. Collins, manager of the Smuggler-Union mine, was sitting at his fireside with friends, he was killed by a shot which came from without and through a window of the room. For this crime Vincent St. John and others were indicted, but no conclusive proof of the guilt of any of them was found, and the indictments were quashed by Judge Theron Stevens.

CHAPTER X.

STRIKE OF REDUCTION-MILL EMPLOYEES AT COLORADO CITY IN 1903.

Until 1902 the Western Federation of Miners had few members among the employees of the smelters and reduction plants in Colorado. The organization was very strong in the various mining camps. A very large proportion of the miners belonged to the Federation, especially in the Cripple Creek district.

In 1902 efforts were made to unionize the men working in the various smelters and ore-reduction plants. These efforts were not successful at Denver, Pueblo, Leadville, or Durango, where smelters were located, but a union was formed at Colorado City August 14, 1902. It was called the Mill and Smelter Men's Union, No. 125, of the Western Federation of Miners. At Colorado City the United States Reduction and Refining Company has two plants, called the Standard and the Colorado mills. In the same city there are two similar plants, the Portland and the Telluride, each operated by a different company.

The managers of these mills resisted the organization of the Federation among their employees. The Federation claimed that the managers discriminated against members of the Federation, both in the employment and in the discharge of men. One A. K. Crane, who assisted in the formation of the union, was expelled therefrom, on the alleged ground that he was a detective employed by the managers to report to them the proceedings of the union and the names of men who joined it. Afterwards he was forced by members of the Federation and their sympathizers to leave Colorado City. The Federation claimed that the managers discharged union men as soon as they thus were apprised that the men belonged to the union. It claimed that the United States Reduction and Refining Company had discharged 42 men for that reason.

A committee of the Western Federation of Miners waited upon the managers and demanded that discrimination against Federation men should be discontinued. A demand was made also for an increased scale of wages. This scale had been adopted by the Mill and Smelter Men's Union, No. 125, of Colorado City. It provided for an increase to make wages equal to those in reduction plants in the mountain towns. The minimum wage at Colorado City had been

$1.80 per day. The amount of $1.50 was deducted monthly by the company from the wages of all employees, for physicians' fees and insurance in a casualty company, which made the minimum wages in money practically $1.75 per day. The scale demanded a minimum wage of $2.25; that employees receiving $2.25 per day be paid $2.50; those receiving $2.50 be paid $2.75; those receiving $2.75 be paid $3. The scale demanded did not affect those who received $3 or more. For four years the men employed in the reduction plants at Colorado City had worked eight hours, three shifts a day, except those in the sampling departments, who worked ten hours, two shifts a day.

The demand for an increased wage scale was rejected by the mill managers. On February 14, 1903, a committee from the Mill and Smelter Men's Union called on C. M. MacNeill, manager of the United States Reduction and Refining Company, to present their demands. Mr. MacNeill inquired whether any member of the committee was an employee of the company. On being informed that none was an employee of the company, he refused to enter upon any negotiations with the committee or to receive a paper setting forth their demands.

The committee thereupon withdrew and reported to a meeting of the union. This meeting was held on the evening of February 14, 1903, and, by a vote of the members, a strike was ordered. This action is said to have been upon the advice of the executive board of the Western Federation of Miners at Denver. The members of the Federation employed at the Standard mill quit work on the same evening. They established pickets about the mill to persuade nonunion men to quit working for the company, but, with a reduced force, the mill continued in operation.

The sheriff of El Paso County, W. R. Gilbert, swore in deputy sheriffs who guarded the property of the United States Reduction and Refining Company, so that no one could enter its mills without a permit from him or from the manager of the company. For a few days, until the county could arrange for the remuneration of the deputy sheriffs, the company provided for their remuneration, and after that the company paid for the remuneration of three or four of the deputies. Manager MacNeill was appointed as a deputy.

One hundred and forty-five men were employed at the Colorado mill February 1, 1903, when it shut down on account of a scarcity of ore. About 20 of the 145 men were then given employment at the Standard mill. The number of employees at the Standard mill February 14, when the strike began, was 212, of whom 46 were members of the Mill and Smelter Men's Union. The number of strikers was 76, of whom 40 were union and 36 nonunion men. Some of these nonunion men informed the management that they struck on account of being threatened by union men with violence unless they also joined in the strike.

Between the dates of February 14 and March 18 the number of men who quit the employment of the company was 92. On the latter date 172 men were employed in the Standard mill and 3 in the Colorado mill, making a total of 175 employees of the United States Reduction and Refining Company at Colorado City. Of these 175 men 103 were old employees of the company and 72 were new employees.

To the managers of the Portland and Telluride mills the Mill and Smelter Men's Union of Colorado City presented a communication with "a schedule relating to employment and wages in and about the mills." Referring to the increase of wages demanded, the communication said:

> Should there be any part of the schedule, however, which appears to you as not being fair and just, we will be glad to take the matter up with you, and assure you of our willingness to look at things from the company's standpoint, as well as our own, and do that which will promote harmony and justice.
>
> We are greatly aggrieved over the discharge of individuals who have been, as far as we are informed, faithful employees of the company, and the only reason for their dismissal being the fact of their membership in the union.
>
> We do not object to the company discharging men whose services as workmen are unsatisfactory. We do not now nor do we intend to uphold incompetent men nor insist that they be either employed or retained in the employment of the company, but we must protect the men in their rights to belong to the union, even to the extent of discontinuing to work for any company which so discriminates against them.

The demands of the union were rejected by the managers of the Portland and Telluride mills, as they had been rejected by the manager of the Standard mill. On February 28, 1903, Mill and Smelter Men's Union No. 125 declared the Portland and Telluride mills unfair and ordered a strike at both. The strike at these mills began on the evening of that day. In the Portland mill there were about 175 employees, of whom about 100 went out. The Telluride mill usually gave employment to about 150 men, but it was shut down for construction work. The strikers composed about 150 men who had worked in the mill. Federation pickets were stationed about the Portland and Telluride mills, as they had been about the Standard mill, and tents were erected for their accommodation. Notwithstanding the pickets, a number of new men were employed by the Portland mill, and it continued in operation. More deputy sheriffs were sworn in by Sheriff Gilbert, the number reaching 65. Several cases of disorder occurred. The strikers were accused of violence toward strikebreakers and the deputy sheriffs were accused of brutal treatment of the strikers.

MILITIA ORDERED OUT.

On March 3, 1903, Governor James H. Peabody was called upon by C. M. MacNeill, manager of the United States Reduction and Refining Company, other persons accompanying him. Manager MacNeill presented to the governor a letter from Sheriff Gilbert, which said:

> I hand you herewith a communication from the Portland Gold Mining Company, operating a reduction plant in Colorado City, and from the United States Reduction and Refining Company, from which I have received requests for protection. I have received like requests from the Telluride Reduction Company. It has been brought to my attention that men have been severely beaten, and there is grave danger of destruction of property. I accordingly notify you of the existence of a mob, and armed bodies of men are patroliing this territory, from whom there is danger of commission of felony.

Governor Peabody, on the same day, directed that militia be sent to Colorado City to assist the sheriff in preserving order. His order to the adjutant-general was as follows:

> Executive order.] DENVER, COLO., *March 3, 1903.*
>
> *Ordered.* It being made to appear to me by the sheriff of El Paso County and other good and reputable citizens of the town of Colorado City and of that vicinity in said county that there is a tumult threatened, and that a body of men acting together by force with attempt to commit felonies and to offer violence to persons and property in the said town of Colorado City and that vicinity, and by force and violence to break and resist the laws of the State, and that the sheriff of El Paso County is unable to preserve and maintain order and secure obedience to the laws and protect life and property and to secure the citizens of the State in their rights, privileges, and safety, under the constitution and laws of this State, in such cases made and provided,
>
> I, therefore, direct you, in pursuance of the power and authority vested in me by the constitution and laws of the State, to direct the brigadier-general commanding the National Guard of the State of Colorado to forthwith order out such troops to immediately report to the sheriff of El Paso County, as, in the judgment of the brigadier-general, may be necessary to properly assist the sheriff of that county in the enforcement of the laws and constitution of this State and in maintaining peace and order.
>
> Given, under my hand and the executive seal, this 3d day of March, A. D. 1903.
>
> JAMES H. PEABODY, *Governor.*
>
> To the ADJUTANT-GENERAL,
> *State of Colorado.*

The order of the governor was issued under Article IV, section 5, of the constitution of the State of Colorado, as follows:

> The governor shall be commander in chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia, to execute the laws, suppress insurrection, and repel invasion.

The action of the governor was based also on section 3, Article VII, chapter 63, of the Session Laws of Colorado, enacted 1897, as follows:

SECTION 3. When there is in any town, city, or county, a tumult, riot, mob, or body of men, acting together by force, with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the State, or when such a tumult, riot, or mob is threatened and the fact is made to appear to the governor, the sheriff of the county, or the mayor of the city or town, the governor may issue his order, or such sheriff or mayor may issue a call directed to any commanding officer or any portion of the National Guard within the limits of their jurisdiction, directing him to order his command to appear at a time and place designated to aid the civil authority to suppress such violence and to support the law.

On the evening of March 3 about 25 officers and 100 privates of the National Guard left Denver for Colorado City, taking with them 21 horses and 2 Gatling guns.

On the same day an address to the people of Colorado was issued by Charles Moyer, president, and William D. Haywood, secretary-treasurer, of the Western Federation of Miners. This address complained that, "It does not appear from the letter of the sheriff that he made a personal investigation of the conditions existing at Colorado City," and it was asked, "Why did he [the governor] not summon the representatives of labor and hear their evidence as to the conditions at Colorado City?"

On the same day, March 3, the following message from Colorado City was sent to the governor:

Governor PEABODY:

It is understood that the militia has been ordered to our town. For what purpose we do not know, as there is no disturbance here of any kind. There has been no disturbance more than a few occasional brawls since the strike began, and we respectfully protest against an army being placed in our midst. A delegation of business men will call upon you to-morrow with a formal protest of the citizens of the city.

J. F. FAULKNER, *Mayor.*
GEORGE G. BIRDSALL, *Chief of Police.*
JOHN MCCOACH, *City Attorney.*

In the Colorado house of representatives, March 6, 1903, a petition was presented protesting against the presence of the militia at Colorado City. It was signed by several hundred citizens of the State, mostly citizens of El Paso County. A motion that the reading of the paper be dispensed with and that the paper be laid on the table was carried.

On March 6, the military authorities prohibited the picketing of the mills by the strikers, and the pickets were withdrawn, but later a line of union pickets was established beyond the lines of sentinels established by the militia.

EFFORTS TO EFFECT A SETTLEMENT.

As a means of coercing the managers of the mills where strikes had occurred, the Federation requested the mine owners in the Cripple Creek district to withhold shipments of ore to such mills. At a meeting of the Mine Owners' Association, March 5, this request was refused. The Federation then threatened to institute strikes against mine owners who should ship ore to such mills. At a mass meeting held at Cripple Creek, March 8, resolutions were adopted, which urged that the questions at issue between the managers of the mills and the strikers be settled by arbitration, urged that the governor should use his good offices to bring about arbitration, and urged the Federation to delay action until all hope of arbitration should prove to be futile. An appeal, signed by business men in Victor, was presented to the Cripple Creek district union of the Western Federation of Miners requesting that "action of all kinds in the matter of the impending labor difficulties" be deferred for one week, to give an opportunity for "an amicable settlement of existing conditions." This appeal was presented March 8, and was granted on the same day.

The general officers of the Federation expressed themselves as favorable to arbitration. Being interviewed on the subject March 9, 1903, Secretary-Treasurer William D. Haywood quoted the seventh clause of the preamble of the constitution of the Western Federation of Miners, setting forth the object of the organization as follows:

> To use all honorable means to maintain and promote friendly relations between ourselves and our employers, and endeavor, by arbitration and conciliation, or other pacific means, to settle any difficulties which may arise between us, and thus strive to make contentions and strikes unnecessary.

On March 9 the Colorado house of representatives adopted a joint resolution declaring that it was the sense of the general assembly that the parties to the controversy should frame statements and submit them to the governor, the State board of arbitration, or any persons agreeable to the contending parties, so that the differences might be amicably adjusted.

On March 11 the governor visited Colorado City. He interviewed President Moyer of the Federation, Sheriff Gilbert, Mayor Faulkner, and Town Marshall Birdsall. He also interviewed men who were still at work in the mills of the reduction companies. In the evening he heard the statements of President Moyer and the executive committee of the Mine and Smelter Men's Union of Colorado City, after which he gave a public reception at the Antlers Hotel, Colorado Springs. He reached the conclusion that conditions did not warrant the withdrawal of the militia at that time. On March 12 he issued invitations to President Moyer and Secretary-Treasurer Haywood and to the managers of the mills where strikes existed to meet with their counsel in his office at the State capitol on March 14, and there confer with a view to determining the matters at issue.

The invitation was accepted, and a conference was held in the governor's office from 2 p. m. March 14 to 3 a. m. March 15. The results were that agreements were signed by President Moyer and the managers of the Portland and Telluride mills. The terms of the agreement with the manager of the Portland mill was as follows:

First. That eight hours shall constitute a day's work in and around the mills, with the exception of the sampling department, which may extend to ten hours per day.

Second. That in the employment of men by this company there shall be no discrimination between union and nonunion labor, and that no person shall be discharged for reason of membership in any labor organization.

Third. That all men now on strike shall be reinstated within twenty days from Monday, the 16th day of March, A. D. 1903, who shall have made application for work within five days from said date.

Fourth. That the management of the Portland Gold Mining Company will receive and confer with any committee of the Colorado City Mill and Sveltermen's Union, No. 125, at any time within said twenty days upon the subject of a scale of wages.

Dated at Denver, Colo., this 14th day of March, A. D. 1903.

FRANK G. PECK,
For the Portland Gold Mining Company.
CHARLES MOYER,
For Mill and Smelter Men's Union.

The first, second, and fourth clauses of the agreement with the manager of the Telluride mill were practically identical with the agreement signed by the manager of the Portland mill, but the Telluride mill being shut down for construction work, the third clause was somewhat different, binding the manager of the Telluride to reinstate all former employees in the same positions they had formerly occupied as soon as operations should be resumed, and a fifth clause bound him to employ, during the period of construction, as many of the old employees as practicable. The manager of the Portland mill did not wait twenty days before reinstating the strikers. On March 23, 1903, it was announced that the mill was completely unionized, all nonunion men having been discharged and the strikers reinstated. On the same day the manager of the Telluride mill announced that only union men were then employed in his mill and that it would be run as a union mill thereafter. However, only construction work was done at this mill until April 1, by which time the strike had been settled.

During the first part of the conference in Governor Peabody's office, Manager MacNeill, of the United States Reduction and Refining Company, was present with his attorney. They withdrew from the conference on March 14, 1903, but the next day, at the governor's invitation, they met Messrs. Moyer and Haywood in the governor's office. Manager MacNeill agreed to accept the terms of the first two clauses in the agreement with the managers of the Portland and Telluride mills, but refused to agree to discharge men who had been employed since the strike began in order to reinstate the strikers. On this point he would agree only not to discriminate against Federation men in employing men when he needed more men. He refused to treat on the subject of an advance in wages, and refused to recognize the Federation. The results of these conferences were that the strikes at the Portland and Telluride mills were called off, while the strike at the Standard mill of the United States Reduction and Refining Company continued.

On March 14, 1903, a civil suit was filed in the district court of El Paso at Colorado Springs in behalf of the strikers. The complaint was directed to W. R. Gilbert, sheriff, and John Chase, James H. Brown, and Sherman Bell, officers in the National Guard. Various grounds of complaint were alleged—the arrest, detention, and imprisonment of citizens pursuing lawful vocations, searching of citizens upon public highways, the entrance of the homes of citizens, the seizure and retention of the goods and chattels of citizens, etc. The petition further alleged that there had been no occasion for bringing the militia to Colorado City, that the purpose of the sheriff in calling for troops was not to keep the peace but it was done at the behest of the United States Refining and Reduction Company, solely to break the strike. Of these matters the court was prayed to take cognizance and jurisdiction, and a decree was asked to be entered to prevent further alleged invasions of the rights of the citizens of the county.

During the conference the officers of the Western Federation of Miners agreed with the governor that this suit should be withdrawn, and the governor agreed that the militia should be withdrawn from Colorado City.

CHAPTER XI.

FIRST SYMPATHETIC STRIKE OF MINERS IN THE CRIPPLE CREEK DISTRICT IN 1903.

A strike of gold miners in the Cripple Creek district was inaugurated in March, 1903, to support the mill men who had struck at Colorado City the previous month. The sympathetic strike was ordered by District Union No. 1, and was indorsed by the executive board composed of national officers of the Western Federation of Miners. District Union No. 1 was composed of 13 members, representing the eight local unions in the Cripple Creek district and one at Colorado City. All of these local unions had voted to give the district union full power to act in the matters at issue, and to call a strike if necessary.

At a meeting held at Cripple Creek on March 16, 1903, which was attended by President Charles H. Moyer, District Union No. 1 decided to request the owners of such mines as were shipping ore to the Standard mill at Colorado City and to the mills at Florence, owned and operated by the United States Reduction and Refining Company, to cease making such shipments. The mines affected were: Stratton's Independence, employing 500 men; the Vindicator, 200 men; the Ajax, 200; the Independent Consolidated, 175; the Mary McKinney, 125; the Isabella, 100; the Strong, 750; the Findley, 75; the Mountain Beauty, 75; the Elkton, 63; the Granite, 60; the Gold King, 50; the Thompson, 40; the Blanche, 12; making a total of 1,750 men, four-fifths of whom were members of the Western Federation of Miners.

While the decision was being communicated to the mine owners at Cripple Creek and Victor, on March 17, 1903, a committee of citizens of Victor, headed by Mayor Nelson Franklin, went to Colorado Springs to interview Manager MacNeill and make a final attempt to effect a settlement. Manager MacNeill declared that his company had nothing to arbitrate, but, to bring about a settlement, he said that he would agree to reinstate the strikers when it would be possible for him to do so, further stipulating that Governor Peabody should appoint a committee to investigate conditions at the Standard mill at Colorado City, which committee should determine whether the facts thus obtained warranted the appointment of a board of arbitration; and if the selection by the governor should not be satisfactory, Chief Justice Campbell should choose the committee.

This proposition being communicated by telephone to President Moyer at Victor, was rejected by him. He then authorized the committee from Victor to propose to Manager MacNeill that a board of arbitration be appointed to settle the controversy, the governor or Mr. MacNeill to name one member of the board, the Federation a second, and these two to select a third member. Manager MacNeill refused to entertain this proposition, which refusal was telephoned to President Moyer. Almost immediately, about 4 p. m., March 17, 1903, the following strike order was issued:

VICTOR, COLO., *March 17, 1903.*

To all members of the Western Federation of Miners:

It is hereby ordered that all members of the Western Federation of Miners now employed in the production of ore which is being shipped to the mills and samplers of the United States Reduction and Refining Company, or other samplers shipping ore to said mills and reduction works, shall, when waited upon by committee authorized to present this order, cease work at time and place named herein, which said time is at completion of day shift this date, March 17, 1903.

W. B. EASTERLY,
Chairman of District Executive Committee.
SHERMAN PARKER,
Secretary, District Executive Committee.
CHARLES H. MOYER,
President of Western Federation of Miners.
D. C. COPLEY,
Member of Executive Committee of Western Federation of Miners, District 4.

The operators of the Vindicator and Mary McKinney mines, when visited by the district executive committee of the Federation, promised that they would not ship ores to any of the works of the United States Reduction and Refining Company. Consequently there was no strike against these mines. The operators of other mines refusing to promise not to ship ores to "unfair" mills, the men employed at such mines were called out. The number of striking miners was about 750. The operators of the Independence, the Isabella, the Strong, the Gold King, and the Thompson mines had contracts with the United States Reduction and Refining Company to furnish it with ores.

The Federation miners in the district had no grievances of their own. When the strike of Cripple Creek miners had been settled in 1894 it was agreed that eight hours should be a day's work, that the minimum wage about the mines should be $3, and that there should be no discrimination against the union in the hiring and discharge of labor. This agreement had been observed in the Cripple Creek district ever since 1894. The wage scale in effect from then until the time of the strike, March 17, 1904, was as follows:

	Per day.
Trammers, single-hand miners, firemen, and ordinary laborers	$3.00
Timbermen, machine helpers, etc	3.50
Machine men	4.00
Engineers, foremen, and shift bosses	$4.00 to $5.00

After 1894 some of the mine owners discriminated against members of the Federation, and in certain mines Federation men could not secure employment, but from 1894 to 1903 there was no serious trouble between the mine owners and the men employed in and about the mines in the Cripple Creek district.

The strike of the miners in 1903 was a sympathetic strike to uphold the strikers in the reduction mills, or rather it was a measure to force the United States Reduction Company, by cutting off its supply of ores, to yield to the demands of the Federation. The distance from Cripple Creek to the plants of this company at Colorado City is 45 miles by railroad. That the strike was a sympathetic strike was denied, however, by President Moyer, whose position in this matter was based on the fact that the strikers at the reduction mill were members of the Federation, and that, therefore, it was the duty of the Federation miners to support them, and in this connection he quoted the constitution of the Western Federation of Miners, which says: "The objects of this organization shall be to unite the various persons working in and around the mines, mills, and smelters into one central body." The Federation being organized to embrace the entire industry of mining and reducing ores, the strike, from the Federation standpoint, was not a sympathetic one. However that may be regarded, it certainly was a strike to force the Cripple Creek mine operators to boycott the "unfair" reduction plant at Colorado City.

Opinions differ as to whether the strike of the miners was very generally approved by them at the time, but it seems probable that if a referendum vote had been taken of the miners in the district a majority would have voted in favor of the strike. The Federation was very strong in the district, and the leaders in the organization evidently strongly believed, and led the members generally to believe, that the strike would be successful. The leaders expressed the greatest confidence in being able to stop the shipment of ores to "unfair" mills. Furthermore, they claimed that the Federation had a full treasury, and therefore was well prepared to engage in a contest.

CHAPTER XII.

TEMPORARY SETTLEMENT OF THE STRIKE BY AN ADVISORY BOARD APPOINTED BY THE GOVERNOR.

On March 16, 1903, Governor James H. Peabody dispatched his private secretary, J. M. Maxwell, to Colorado City, to report in regard to conditions there with a view of withdrawing the militia. Mr. Maxwell reporting that everything was quiet about the mills, the governor ordered Brig. Gen. John Chase to recall the troops from Colorado City. This order was issued at 7 p. m. on March 17, 1903, and it may be noted that this was about three hours after the Federation officials had ordered a strike of miners in the Cripple Creek district. The troops were withdrawn March 19.

On March 19 Governor Peabody took another step toward settling existing difficulties by appointing an advisory board to investigate the issues involved in the strike. In a proclamation to the public on that date he said:

> To the end that I may not only act wisely and judiciously in the premises, but that the entire public may know that everything is being done for the benefit of labor and the protection of capital that it is possible to accomplish, I have seen fit, and do hereby, appoint an advisory board to take these matters in hand and thoroughly investigate the causes which led up to the present condition of affairs, the complaints and demands upon the one side and the other, the reason and justification, if any, for refusing to grant the demands, and to make a full and detailed report to me of their conclusion in the premises.
>
> At the same time I call upon employers of labor who may be visited by this advisory board to furnish them voluntarily all the information they possess concerning the matters in issue, and I also ask the labor organizations and laboring men to cooperate in an equal measure in furnishing such information to this board as may be by them required.
>
> The personnel of the advisory board is composed of the following well-known gentlemen, whose ability, integrity, and patriotism no one for a moment doubts, to wit: President, William F. Slocum, of Colorado Springs; Hon. Charles D. Hayt, of Denver; Rev. Thomas A. Uzzell, of Denver; Hon. Frank W. Frewen, of Cripple Creek, and Father Joseph P. Carrigan, of Denver.

The Miners' Magazine, official organ of the Western Federation of Miners, in its issue for April, said that when Governor Peabody appointed this board there were "about 700 men idle in the Cripple Creek district, on account of being called out of the mines which were under contract to ship to the Standard mill."

The advisory board, or commission, as it was popularly called, began holding public sessions in Denver March 21. Four members of the board were present, William F. Slocum, president of Colorado College, having declined the appointment on account of pressure of business. The vacancy was not filled. Judge Charles D. Hayt was chosen as chairman of the board. The Western Federation of Miners was represented by Charles H. Moyer, president; William D. Haywood, secretary-treasurer, and John H. Murphy, attorney. The United States Reduction and Refining Company was represented by C. M. MacNeill, manager; Spencer Penrose, secretary and treasurer, and K. B. Babbitt, attorney. It was agreed that both parties to the controversy might present written statements and offer oral testimony. Witnesses were placed under oath.

President Moyer, being called to the stand, testified that the causes of the strike at Colorado City were the action of the mill managers in discharging union men and their refusal to consider an increased wage scale. He further testified that the Federation had never attempted to dictate to the mill managers whether they should employ union or nonunion men, but had asked only that union men should not be discriminated against and discharged because they belonged to the union. Neither had any undue influence been used to induce men to join the union. He further testified that the miners in the Cripple Creek district had no grievances against their employers, and that they struck only to prevent the shipment of ore to "unfair" reduction plants. He admitted that unless the difficulty should be settled within two or three weeks the mines still being operated would be compelled to shut down because of not being able to dispose of their ores and because the ore bins at the mines would be filled to their greatest capacity. Some of the questions asked by Attorney Babbitt in the cross-examination of President Moyer and the answers of the latter were as follows:

Mr. Babbitt. What was the cause of the strike?

Mr. Moyer. The discharge of men from the mill for being members of organized labor.

Mr. Babbitt. You are not making any complaint regarding hours?

Mr. Moyer. None whatever.

Mr. Babbitt. In the Cripple Creek district an order has been issued that no ores should be shipped to the Standard mill?

Mr. Moyer. No such order was issued. The mine owners were requested not to ship ore.

Mr. Babbitt. Have these men in the Cripple Creek district any grievances against their employers?

Mr. Moyer. None whatever.

Mr. **Babbitt.** You would regard it as an offense if the operators shipped ore?

Mr. **Moyer.** It would be a violation of their agreement—a verbal agreement.

On redirect examination there were the following questions and answers:

Mr. **Murphy.** Is it not a fact that the issue between the union and the mill men is the discharge of union men and the refusal to consider the scale of wages?

Mr. **Moyer.** This is right.

Mr. **Murphy.** Is it not still the issue?

Mr. **Moyer.** It is.

Secretary-treasurer Haywood, of the Federation, being called to the stand, substantiated President Moyer's testimony. In reply to questions he said that the Federation had no spies in the Standard mill, as had been charged, but that after the pickets were removed by the militia, members of the union went to work in the mill in order that they might have an opportunity to present the situation to the "strike breakers" and endeavor to persuade them to stop work. He also said that the wage scale asked for at the Standard mill was about $50 a month less than that paid at the samplers in the Cripple Creek district, where the minimum was $3 a day. He added that the Standard mill was the only one in its locality that had adopted the compulsory insurance feature, to which the Federation strongly objected.

J. D. Hawkins, general superintendent of the United States Reduction and Refining Company, being called to the stand, testified that when Messrs. Moyer and Copley, of the Federation, had requested that they be permitted to unionize the plants of the company, he had refused. He declared, however, that he had never discharged men for this cause. With reference to 12 men discharged before the strike began, he said they had not been discharged because they were union men, nor because they had asked for increased wages, but because they were agitators and had endeavored to incite a strike. He also stated that the wages paid at the Standard reduction mill were greater than the wages paid at the smelters in Denver and Pueblo.

Manager MacNeill, being called to the stand, substantiated the testimony of Superintendent Hawkins. J. O. MacDonald, manager of the mill of the United States Reduction and Refining Company at Florence, testified that 150 men were employed there, that the minimum wages were $1.80 per day, and that the men were satisfied, having voluntarily signed a statement to that effect.

The advisory board went to Colorado Springs March 25, and on that evening had a conference with a committee from the Mine Owners' Association. On March 26 the board began holding sessions at Colorado City. Both strikers and employees who were still working at the Standard mill were examined in regard to the cost of living as compared with the wages they received. Some were examined as to the effect of the gases in the reduction plant upon the health of the workmen. Some of the so-called "strike breakers" were examined in regard to violence or threatened violence to them from the strikers, but not much evidence of this was adduced. George G. Birdsall, city marshal of Colorado City, was called to the stand. Being asked what had been the general condition of Colorado City as to peace and quietude since February 14, he replied that it had been quiet except on one day, when there had been two fist fights.

The advisory board requested the business men of Victor to appoint a committee to assist the board in effecting a settlement. Such a committee was appointed, the chairman being Nelson Franklin, mayor of Victor. This committee, on arrival at Colorado City, offered, as a means of relieving the situation, to give the Standard mill strikers work in the Cripple Creek district at a wage of $3 per day. President Moyer informed the committee that he did not favor the strikers leaving Colorado City in a body, as most of them had homes there. The committee then proposed to Manager MacNeill that if he would reemploy the strikers and discharge the men whom he had employed since the strike began they would give these men work in the Cripple Creek district. This proposition was rejected by Manager MacNeill.

In the negotiations to effect a settlement this committee met with the advisory board, with the officers of the United States Reduction and Refining Company, and with the officials of the Federation. Francis J. Crane, mayor of Cripple Creek, also participated in the negotiations. The Federation officials present were President Charles H. Moyer, D. C. Copley, member of the executive board of the Western Federation of Miners, and Charles Burr. John H. Murphy was present as attorney for the Western Federation of Miners. John Harper, president of the Victor Union, Dan Griffin, secretary of that union, and H. Easterly, representing the same union, were also present.

Manager MacNeill offered to reinstate or reemploy the union men whom he had discharged previous to the strike, as well as the strikers, as vacancies might occur, making no discrimination on account of their membership in the Western Federation of Miners. President Moyer asked that a written guaranty be given that the strikers would be reinstated within a given time, such a guaranty as had been given by the managers of the Portland and Telluride mills. This Manager MacNeill refused to do; he refused to discharge employees to reinstate the strikers, but he promised that as soon as vacancies should occur employment would be offered to the strikers. However, there were 14 former employees of the company who were obnoxious to Manager MacNeill, and he would not reemploy them under any circumstances. He did not give his reasons for objecting to these men, but it was understood that these men were considered to be agitators and as having incited the employees of the Standard mill to strike.

Another point of difference was that, while Manager MacNeill consented to receiving any of his employees, or a committee from them, to consider any grievances they might have at any time, he declined to promise, as desired by President Moyer, that he would receive committees from the Mill and Smelter Men's Union.

President Moyer waived the demand for an increase of wages, which was one of the demands made before the strike began. He waived the demand that, when grievances were to be presented, the company would receive them through a committee from the union. He waived the demand that Manager MacNeill should give a written agreement, and the demand that a guaranty be given that the strikers should be reinstated within a certain time—thirty or sixty days. Manager MacNeill stated that he expected that the Colorado mill, which had been shut down for some time before the strike began, would begin operations again within a short time, and that in such case he would soon be able to reemploy practically all the strikers. President Moyer accepted Manager MacNeill's assurance that he would reemploy the company's former employees as rapidly as circumstances would permit, and that he would give preference to the union men who had been discharged and to the union men who had struck. He, however, acquiesced in the refusal of the manager to reemploy the 14 men who were specially objectionable to the company.

The strike of employees in the Standard reduction mill at Colorado City, which began February 14, 1903, and the sympathetic strike of miners in the Cripple Creek district, which began March 17, 1903, were settled on the above-mentioned terms March 31. The advisory board made a public statement on March 29, and another on March 31, the latter announcing a settlement. The latter statement was in part as follows:

> Mr. Moyer has this day agreed to accept the proposition of Manager MacNeill, as given in the communication of March 29, and he has declared the strike off, basing his action to some extent upon the opinion of the board as to the time within which it may be confidently expected that the men will be reinstated. Mr. Moyer has stated that he did this because he wished, as far as possible, to avoid bringing loss upon others, and particularly the miners and mine owners in the Cripple Creek district, for a cause, which, in the opinion of the board, was not serious.

The terms of the settlement agreed upon have not been reduced to writing, but rest largely upon the settlement made by Mr. MacNeill and Mr. Moyer in the presence of the board, and it is left to the board and Governor Peabody to say, on the 18th day of May, 1903, whether or not the terms of settlement made have been at that time carried out in good faith by the parties.

The news of the settlement was received in the Cripple Creek district with great enthusiasm. Bells were rung, mine whistles were blown, and bands of music paraded the streets. The striking miners returned to work April 1, 1903.

The advisory board held an adjourned session at Denver, May 23, 1903. The Western Federation of Miners was represented by John R. Murphy, attorney, and the United States Reduction and Refining Company by J. D. Hawkins, superintendent, and K. R. Babbitt, attorney. A statement was filed in behalf of the Federation and one in behalf of the company. The statement for the Federation contended that the company had not in good faith conformed to the agreement entered into on March 31, 1903, that many members of the Federation had not been reinstated, and that many who had been tendered reemployment had not been offered their old positions, but had been offered different positions at lower wages than they had formerly received.

The statement for the company quoted the record of the first session of the advisory board to show that President Moyer had on March 21, 1903, testified that in his opinion there were about 70 men then idle in Colorado City who have been formerly employed by the company. The statement for the company further said:

> It was evidently upon this statement that these assurances were made, and it will be seen that while a larger number applied for reemployment, 60 have been offered reemployment, which is very nearly the number stated by Mr. Moyer as having been idle at that time. Since the visit of your commission to Colorado City the tonnage at Cripple Creek has decreased, and we are at the present time handling a smaller tonnage of ore than at the time of the strike. The company at that time properly anticipated a greatly increased tonnage, which would have necessitated the employment of a much larger number of men, but, even under present conditions, we believe the company has fully met not only the spirit but the letter of its assurances to your commission.

On account of insufficient receipts of ore the company had not been able to reopen its Colorado mill.

It developed at the adjourned session that at the first session of the advisory board there had been a misunderstanding as to reinstating or reemploying the strikers. The attorney of the Federation contended that the assurances given by Manager MacNeill during the first session and the terms of the settlement required that the strikers be "reinstated" in their former positions and at their former wages.

The attorney of the company contended that the agreement had not been so understood by Manager MacNeill; that his offer had been in effect to "reemploy" the strikers, not to reinstate all of them in the same positions they had held before the strike.

Nearly all of the strikers who had been tendered reemployment at lower wages had refused to accept it. Some who were offered the same wages, but not their former positions, refused reemployment. This appears from the following quotation from the statement of the company:

> The strike at our works at Colorado City was declared off on the 31st day of March. Since that time there have been 102 applications for employment. Out of this number we have offered employment to 60 of the strikers. Our offer has been accepted by 13 and refused by 47. The detail with reference to these 60 men is as follows:

26 men who were earning $1.80 were offered work:	
15 offered $1.80	7 accepted.
11 offered $2	3 accepted.
26	10
27 men who were earning $2 were offered work:	
15 offered $1.80	1 accepted.
12 offered $2	1 accepted.
27	2
1 man earning $2.40 was offered work:	
1 offered $1.80	No acceptance.
2 men earning $2.50 were offered work:	
2 offered $2	No acceptance.
1 man earning $2.80 was offered work:	
1 offered $2	No acceptance.
2 men earning $3 were offered work:	
1 offered $1.80	No acceptance.
1 offered $2	No acceptance.
1 man earning $3.20 was offered work:	
1 offered $3.20	1 acceptance.
Total offered work (accepted, 13; refused, 47)	60

> In selecting places to offer these men we have tried, as far as possible, to take into account both their adaptability to the work and the possible future openings. The men were not all offered work at the same time, but at different periods, extending from April 13 on to the 1st of May, allowing the men in each case two days in which to report to work. As we were very desirous of filling the places, each notice to apply for work stated that "failure to report will be understood as meaning they did not wish to return to the service of the company."
>
> Examination of the above will show that 27 of the 60 men were offered places which gave them the same pay they were receiving at the time they struck; 11 were offered more pay than they were getting at the time they struck, and the balance, or 22, were offered less than they were getting at the time of the strike.
>
> The offers of work were made in good faith and were made because we needed men. After we had tried to fill the places in the mill from the former strikers, and had been unable to, we put outsiders to work to the number, up to the present date, of 13. The majority of

> these 13 last employed are men who have worked for us at previous times in either the Colorado or Standard plants, and are therefore old employees.
>
> Some of the strikers who were offered employment did not even report to the place requested to find out what kind of work they were offered, and the balance of them who did report refused to go to work because the specific employment which was offered to them was not in the exact, identical places that they had occupied the day of the strike, February 14.

Father Carrigan, of the advisory board, inquired whether it had been the rule of the company when vacancies occurred to send for men formerly employed at high wages and offer them places with lower wages in order to get them to refuse; whether it had been the rule, for instance, when $1.80 places were vacant to offer them to men who had formerly received $2. General Superintendent Hawkins denied that the company had had such a rule. He testified as follows:

> We wanted men and wanted to pick out the best of those men who had gone on strike. * * * We selected the men as we could see them best qualified for the work, picking out each individual time the best lot of those remaining. * * * We attempted to fill the $2 places with $2 men, so that they would be getting the same wage when they resumed work as before.

The advisory board made a report to Governor Peabody, dated May 30, 1903. Referring to the contention of President Moyer that Manager MacNeill had given assurances that the strikers would be "reinstated," and the contention of Manager MacNeill that he had given assurances of "reemployment" only as circumstances would permit, the report said: "It would appear to us that the variation in the statements, as shown by Exhibits 1 and 2, is more of a misunderstanding than of facts." The report continued:

> Two important issues were before us for consideration: First, the assurance given by Manager MacNeill that there should be no discrimination in employment made between union and nonunion men; second, that the strikers who quit work on the 14th day of February, 1903, would be reemployed in the mill as rapidly as vacancies occurred in the working force. It was understood that about 70 was the number of union men to be reemployed. Of this number Manager MacNeill excepted 12 to 14, whom the company refused to reemploy. With this understanding the strike was declared off, the striking employees requested to make application for work, and your board solicited to investigate, on the 18th day of May, whether these assurances had been faithfully complied with.
>
> We find, first, that the assurances given not to discriminate against union men in employment has been faithfully carried out.
>
> Second, as to the promise to reemploy the strikers, that 60 of the strikers were offered work; some of them at the same wages as for-

merly, others at a different occupation and a higher wage, and still others at a lower wage.

It was believed at the time that the Colorado mill, belonging to the United States Reduction and Refining Company, which had been closed down in 1902, would be reopened at an early date. Had this mill reopened, as was expected, it would have given employment to a much greater number of men.

Your advisory board is of the opinion that Manager MacNeill has used all possible efforts to reemploy the striking mill men, in accordance with his assurances made before said board.

At Colorado City and in the Cripple Creek district labor conditions remained the same until July, 1903, when the strike against the United States Reduction and Refining Company was renewed, followed by a general strike of employees in smelters and a second sympathetic strike of miners.

CHAPTER XIII.

STRIKE OF SMELTER MEN AT DENVER IN 1903.

The Colorado general assembly having failed to enact an eight-hour law in compliance with the constitutional amendment adopted in 1902, the Western Federation of Miners decided to demand that smelting and reduction companies should grant an eight-hour working day, and, in case of a refusal, to enter upon a strike to secure an eight-hour working day for all employees in smelting and reduction plants. All of the reduction companies in Colorado except the smelters had eight-hour shifts for men actually engaged in extracting ores.

During the first six months of 1903, the American Smelting and Refining Company (commonly called the "smelter trust") operated seven smelters in Colorado—the Grant and Globe plants, at Denver; the Pueblo, Eiler, and Philadelphia plants, at Pueblo; the Arkansas Valley plant, at Leadville, and the Durango plant, at Durango.

Besides its smelters in Colorado, this company had smelters in Montana, Utah, New Mexico, New Jersey, and elsewhere, in all, about twenty plants.

The only independent smelters in Colorado were the Boston and Colorado Smelting Company's plant at Argo, a suburb of Denver, and the Ohio and Colorado Smelting Company's plant at Salida.

In the spring of 1903 the Western Federation of Miners organized the Denver Mill and Smelter Men's Union, No. 93. At Pueblo a mill and smelter men's union was formed, but only a small proportion of the employees of the American Smelting and Refining Company in its three plants there belonged to the union. In the smelters of this company at Leadville and Durango the federation had only a few members.

The Grant and Globe plants, at Denver, handled 35,000 tons of ore a month, while the other five smelters of the American Smelting and Refining Company in Colorado handled 125,000 tons a month.

In two of the smelters of this company—the Pueblo and Durango plants—employees who were actually engaged in extracting metals from the ores worked eight-hour shifts. With these exceptions, the employees of the company worked ten or twelve hours per day. Engineers, firemen, furnace men, tappers, and roaster men worked twelve hours. All other labor about the smelters and in the sampling works, the shoveling of ore from cars and delivering the same on the smelter beds, and work of like nature, was performed by laborers working ten hours a day. In the Grant and Globe plants wages were as follows:

For common labor a minimum of $1.75 per day, 10 hours.
Engineers, $3.50 per day, 12 hours.
Blast-furnace foremen $4 per day, 12 hours.
Feed-floor foremen, $3.50 per day, 12 hours.
Roaster men, $2.70 per day, 12 hours.
Roaster men's helpers, $2.50 per day, 12 hours.
Wheelers to blast furnace, $2.50 to $2.75 per day, 12 hours.
Furnace men and tappers, $2.50 to $3 per day, 12 hours.

The American Smelting and Refining Company claims that previous of the strike at its smelters at Denver in 1903 many of the employees in these plants had been working there for a period of eight to twelve years, and even longer, and that they had worked, on the average, not less than twenty-two days per month.

The employees who were engaged in the Grant and Globe smelters, and who were members of the newly formed union, presented to the company the following petition that their working hours be reduced to eight per day:

DENVER, COLO., *June 17, 1903.*

To the American Smelting and Refining Company:

We, your employees, holding membership in Denver Mill and Smelter Men's Union, No. 93, Western Federation of Miners, desire to call your attention to the fact that thousands of the members of our organization are enjoying the privilege of an eight-hour workday, and are receiving for the same a compensation, in many cases, far above that now being paid by your company for ten and twelve hours for the same class of labor. Not only is this so, but the large majority of workmen engaged in producing the ores which are reduced in the smelters operated by your company are working but eight hours, and are receiving for the same a wage exceeding that of the highest paid twelve-hour workmen employed in said smelters.

After due consideration, we have concluded that, owing to the hazardous and unhealthful nature of our employment, we are at least entitled to the same condition and system of working as others employed in the production and reduction of ores, and hereby request that, beginning July 1, 1903, a day's work, which now consists of ten and twelve hours in and around the smelting plants known as the "Globe" and "Grant," located in the city of Denver, be reduced to eight hours.

We believe this request to be a just and righteous one, and sincerely trust that your company may see the way clear to granting the same.

Respectfully,

JOE SCOTT,
HANS OLSON,
ANTONE STANSKE,
ROBERT WITHERS,
PATRICK F. HAMAWAY,
WILLIAM L. SMITH,
CHARLES HARDIN,
Committee.

[SEAL.]

It will be noticed that the foregoing communication did not suggest a reduction of wages as well as of hours. The communication was presented to the company June 19, 1903. Franklin Guiterman, general manager of the company for Colorado, was then absent from Denver. Having returned to the city, he received the committee of the union June 30. At that time he informally refused the demand for a reduction of hours. The committee suggested a reduction of wages as well as of hours, but he would not entertain the proposition. He promised to state within two days his reasons for refusing. His formal reply on July 1 was as follows:

To the employees of the American Smelting
and Refining Company in Colorado:

A committee of employees, purporting to represent our total employees engaged at the Grant and Globe plants, waited upon me Tuesday morning, June 30, and presented a petition to the company for an eight-hour laboring day instead of a ten and twelve hour day, as is and has been the case.

Although the document stated that the petitioners were members of a mill and smeltermen's union, there was not on the part of the company the slightest objection to meeting them in conference as employees, for the American Smelting and Refining Company does not make, nor has it made, any distinction between its employees with respect to union or nonunion membership. The company, however, does not recognize the right of any portion of its employees to speak for the remainder, unless it be duly authorized by all to so represent them; but when matters of vital importance to the interest and welfare of all concerned become the subject of conference the company is not disposed to stand on fine distinctions, but gladly addresses all of its employees in explanation of the position it is obliged to assume.

The issue which was the subject of the conference was whether the American Smelting and Refining Company in Colorado could or could not grant an eight-hour day. The petitioners plainly state that thousands of members of a miners' union with which they are affiliated enjoy such labor hours, and that the wages received by them are, in many cases, greatly in excess of those paid by this company for a ten and twelve hour day. This is an important declaration, for it has a vital bearing on the issue, as will subsequently be shown, for it may be truly said that the circumstance of large mining expense is an important factor in the adverse conditions pertaining to the mining industry in Colorado, on the success of which the smelting industry is entirely based.

The petition also recites that in other States—meaning Montana and Utah—this company has granted an eight-hour day, and that the wages paid to its employees there are also in excess of the highest wage paid in Colorado smelters for a ten and twelve hour day. While the former part of the statement is true, the latter is not.

The inference to be drawn, however, is very plain, and may be summed up in the conclusion that not alone is an eight-hour day for Colorado smelters asked for, but that this concession, if it could possibly granted, would only be preliminary to a demand for a ten and twelve hour wage for such eight-hour day.

Having considered the petition carefully and having listened to the proposals of the committee, the answer was made that the conditions under which mining and smelting were carried on in Colorado absolutely precluded the granting of the request. These conditions may be summarized as follows:

Seventy-five per cent of the smelting ore production of Colorado is derived from the Leadville, Aspen, and Creede mining districts. Since January 1, 1901, there has been a falling off in this particular tonnage of 20 per cent, while in silver contents, which give the predominating value to these ores, there has been a decrease of over 15 per cent. In other words, with steadily decreasing ore production there has been an unfortunate lowering of grades, and, to make conditions still harder, there has been a decline in the price of silver, which amounts, in round figures, to 10 per cent per ounce from the average quotations for the year 1900.

What this signifies in dollars and cents will be realized from the statement that the average ore produced in the districts mentioned carry about 20 ounces of silver per ton. The mine operator has, in consequence, sustained a shrinkage in value of $2 per ton since the year 1900. This shrinkage, however, has been more than made good by the American Smelting and Refining Company in the curtailment of its smelting margins.

In Colorado the American Smelting and Refining Company is purely a purchaser and smelter of ores. It does not mine, and thus can not enjoy any profit which may be incident to fortunate mining. The mine operator, however, very rightfully, looks for profit in the marketing of his ore, and if he can not realize it very promptly ceases operation. The smelting company, therefore, if it desires a continuance of ore production, must make such prices as will bring the ore out, and in doing this the American Smelting and Refining Company in the last two and one-half years has curtailed its own revenue in the working of ores by $2.50 per ton, thus confirming the statement above made, that the shrinkage of ore values has been more than absorbed.

If it is asked how this has been accomplished without the reduction of wages by the company, and despite the increased cost of fuel, flux, and material supplies, which the smelters are obliged to use, the answer is simply that, through the smelter combination, a better ore distribution has been made possible, which in turn has permitted a betterment in operating conditions, coincident with a more favorable metallurgical outcome.

The company has, however, about reached its limit in these directions, and, while it hopes to continue to advance, future progress nevertheless will be slow.

The request for an eight-hour day, however, brings us face to face with two alternatives:

(1) Increased expense in smelting of the ores, which means commercial disaster for the company in Colorado.

(2) Increased treatment charges on ores to offset the increased smelting expense, which would mean the closure of the low-grade mines which so largely predominate in Colorado.

The eight-hour day has been possible in Utah and Montana because of the richer character of the ores mined there and by virtue of the better margins which are received by the smelters. It may be noted, however, that in Montana with increased cost there has already been a falling off in ore production and a curtailment of 20 per cent in the precious metal output, and that the development of new properties has practically ceased.

In Colorado high-grade ores are now a rarity, and mine operators are struggling continually with the problem of how to mine successfully with ever-lowering grades of ore and with threatened increased mining expenses.

The American Smelting and Refining Company for several years has clearly perceived the increasing burdens of the mine operators in Colorado, and has not hesitated to assist in meeting their difficulties to the greatest extent possible. It is no idle statement to say that it has done so promptly and uncomplainingly, even in the case of contracts, when conditions demanded. Both large and small mine operators can and will testify to the consistent policy of cooperation and assistance which has been extended to them by the American Smelting and Refining Company, a policy which has reflected itself in the continued ore production of our great mining camps.

But as there is a limit to all things, so also there is to the ability of the American Smelting and Refining Company to carry additional burdens in Colorado. To accede to the request of the committee which called upon me would mean the serious crippling of either the smelting or the mining industries in this State, neither of which contingencies can be faced with indifference or complacently.

Much more could be set forth in exposition of the adverse industrial conditions surrounding the mining and smelting of ore in this State, but from what has been presented the company feels that its employees will withdraw their request for an eight-hour day and will be content to abide under the existing wage and labor status until the mining industry again finds itself in a more prosperous condition, by and through which concurrent benefits will surely come to the Colorado smelting industry and to all employees connected therewith.

Yours, truly,

FRANKLIN GUITERMAN,
General Manager, American Smelting and Refining Company, Colorado Department.

The request for a reduction of hours having been refused, Mill and Smelter Men's Union No. 93 held a meeting in Elyria townhall on the night of July 3 and voted to begin a strike at the Grant and the Globe smelters of the American Smelting and Refining Company at Denver.

This meeting was attended by Charles H. Moyer, president, and William D. Haywood, secretary-treasurer, of the Western Federation of Miners. The meeting having adjourned shortly before midnight, a crowd of about 300 men entered the Grant smelter, which was uninclosed, and ordered the 125 workmen there to quit. The crowd was composed partly of day-shift men and partly of men who were not employees of the company.

After stopping all work at the Grant smelter the crowd went to the Globe smelter, broke in the gates of the inclosure around it, and drove away all employees working there, about 150 in number. Five or six employees of the Globe smelter were beaten and kicked. The engineer especially was maltreated, scalp wounds being inflicted upon him. The strikers extinguished the fires in the furnaces of both smelters.

Manager Guiterman, on learning of the strike, went to the police station and asked for protection of the property of the company. Thereupon 20 policemen were sent to the smelters, but on arrival they found both smelters closed. The number of men made idle by the strike was 773—300 at the Grant smelter and 473 at the Globe smelter. Probably not more than one-half of these men were members of the union, the strike being forced upon the remainder.

The strike took the management of the smelters by surprise. There were some indications that the company had intended to close down both smelters for an indefinite period. Each smelter had 7 furnaces, and on July 3 it was ordered that 2 furnaces in each smelter should be "blown out," and this was done previous to the strike at midnight. When the fires were extinguished by the strikers the metal in the 5 furnaces in the Grant smelter became congealed or "frozen." At the Globe furnace a superintendent and other hired men and a force of clerks—16 in all—were able to keep two furnaces going and to pour off the metal, but the other 3 furnaces "froze." In order to clean the frozen furnaces it was necessary to chisel out the hardened metal.

Former Governor James B. Grant, a member of the executive committee of the American Smelting and Refining Company, was reported as saying, in an interview on July 4, 1903:

> We are in the fight and will be there at the finish. What is the use of giving in? The Western Federation of Miners now want eight hours. If we grant them that it will be only a question of time before they are striking for six. And if it should get that it will be clamoring for four. President Sullivan, of the State Federation of Labor, admitted this was the case when he appeared before the legislative committee of the last general assembly to argue in favor of the eight-hour bill.

On July 4 the Denver Smelter Men's Union, No. 93, issued a statement alleging that the American Smelting and Refining Company had watered its stock many times, and that its profits had been increased at the expense of its employees, who labored ten and twelve hours a day. Extracts from the statement follow:

> The manager is aware of the fact that men employed in and around smelters are the poorest paid and most overworked of any department of labor in America. He knows that in a few years the physical organization of the smelter employee is wrecked, and that the victim, who has succumbed to long hours and poisonous fumes, becomes an object of charity, whose health and strength have been coined into dividends for the trust. * * *

> No one will attempt to deny that the cost of living during the last few years has increased fully 30 per cent, and no one will assume that the American Smelting and Refining Company has increased the wages of its employees in a like proportion. * * *
>
> We make the claim that the American Smelting and Refining Company is in a better position to-day to accede to our demands than it has been for several years. The perfecting of machinery and the displacement of labor, which has been brought about through inventive genius, has enabled the smelting trust to treat ores cheaper than ever before.

President Charles H. Moyer, of the Western Federation of Miners, being interviewed July 4, said that in Montana, Arizona, Nevada, Utah, and British Columbia, smelter men were paid better wages for eight hours than those at Denver were paid for twelve hours. He had just returned from Montana, where, he said, 6,000 smeltermen were employed at eight hours, the minimum wage being $2.75 at Anaconda and $3 in Butte, while at Denver the minimum wage was $1.75 for ten hours and $2 for twelve hours. He further said:

> A majority of the men who have been at the smelters more than four years are unable to get in more than 16 shifts a month, and they can not support their families on the wages earned during that time. At eight hours, they could put in at least 24 shifts a month. They are good, capable men, but they have been working so long at the killing hours that they can't keep it up.

President Moyer said that probably he would be accused of having ordered the strike, but that the vote of the men to strike was not taken on the advice of Federation officials. He himself had advised against it and tried to avert it, but 136 of the 137 men who attended the meeting on the night of July 3 had voted to strike. These men, he said, had expressed themselves as preferring leaving Denver to working twelve hours. In answer to the charge that the men were coerced to strike, he said he would be glad to call a meeting of the union, and have Manager Guiterman preside, and have the latter put the question to the men of their returning to work at twelve hours a day. Following are other extracts from the interview of President Moyer:

> For this whole trouble the governor and the fourteenth general assembly have much to answer for. If they had done their duty last winter, there would be no strike now. The smelter men have been patient and long suffering and their action of last night was brought on by their disappointment at the failure of the legislature to enact an eight-hour law, putting into effect the constitutional amendment adopted by the voters last fall. The dissatisfaction which has culminated in a strike in the trust's smelters started when the legislature adjourned without action on the question.
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> Ever since the eight-hour strike of 1899 it has been preached to the men that legislation was the only proper means to secure relief. They were led to believe that they could win at the ballot box, and they believe that they did win, but the legislature threw them down. The men now realize that they will never get relief by legislation,

and that they must get it through their own action. They were fooled by the promises of all political parties. After waiting four years, patiently enduring the hardships and injustice of a twelve-hour system, is it surprising that at last they have arisen in their power to assert their rights? * * *

Manager Guiterman may complain that he was taken unawares last night, but it is my opinion and that of his men that it was not his intention to give them any notice of a close down. If he had had any desire to treat with his men he had ample opportunity to do so. But he positively refused to make any concessions, even to the furnace men, whose work is the hardest to endure.

It is very possible that if Mr. Guiterman had treated the grievance committee courteously, and shown any inclination to meet the men halfway, an agreement could have been reached on the basis of eight hours for the twelve-hour men, the ten-hour men remaining at ten hours, and a corresponding reduction of wages for the twelve-hour men. The committee felt that he positively refused to concede anything. He would listen to no proposition to reduce wages with hours, and stated flatly that it was impossible for his company to consider a reduction in hours. * * *

Mr. Guiterman told me two months ago that he realized that an eight-hour shift was going to come and that the men were justified in asking for it, but he said that it was impossible for his company to concede it, as it would necessitate an increase in the price of treatment of ore. In other words, the trust says that the poor devils who slave in its hell holes must bear the brunt of the entire mining proposition. The trust is not willing that the mine operator shall stand their share or that the railroads shall cut their freight rates.

If Mr. Guiterman had desired to be fair, he might have made a proposition for eight hours during the summer months, when it is almost suicide to work in the blasts, returning to the old hour scale in cool weather. But he delivers an ultimatum that he will consider no eight-hour day.

On July 5 Manager Guiterman issued to the public a statement, from which the following extracts are taken:

Speaking for this company, I desire to say that it has at all times had the interests of its employees at heart, and that it has hitherto spared no expense by and through which the sanitary operating conditions at its various plants could be improved and the nature of the work lightened. The many improvements which have been introduced, and which will continue to be made as fast as time and conditions will permit, have always had for their object, not alone the cheapening of the smelting cost, but no less the betterment of operating conditions for our labor. More than this no concern can do, and less should not be done if the mining industry of this State is to be conserved.

I again desire to make the unqualified statement that the expense saved by the American Smelting and Refining Company, in its Colorado plants, by the introduction of labor-saving devices and by the economies effected in ore distribution have been surrendered to the mining operators, in order to assist them in the continued operation of their low-grade mines. * * *

The company has at some of its plants, wherever it has been at all feasible, introduced the eight-hour system, and has extended the same as fast as has been practicable. No secret has been made of this practice, and it was well known that the company was not opposed to the eight-hour system per se, but that local operating conditions at the various plants, as well as the commercial features surrounding the purchase of the ores, had to govern entirely in arriving at a determination of what was and what was not possible of accomplishment.

These facts were most carefully explained to the labor committee which waited upon me. * * * It was stated that the company stood ready to go to any reasonable length in meeting suggestions from its employees, but that it would not undertake to inaugurate changes which commercial conditions, over which there was no control, prohibited. In response to this declaration there was but one ultimatum: "We want eight hours." * * *

The issue of an eight-hour day is purely a fictitious one; it is, as one prominent labor leader boldly declared, but the advance guard to a demand for a six-hour day, and that in turn would herald one for still shorter hours.

The real issue with which the people of Colorado are confronted is that of the control of the Western Federation of Miners over the mining and smelting industry of Colorado, just as it has succeeded in accomplishing its baleful domination in the more western States.

The issue before the people of Colorado is whether the men employed in the mining and smelting industries shall be allowed to pursue their employment under conditions satisfactory to them, or whether they can work only under the unlawful government of force and intimidation.

The issue before the people of Colorado is whether corporations, which are an integral part of the industrial community, whether in combination or not, which, as taxpayers operate under legal authority, can conduct their business without interference, under protection of lawfully constituted authority, or whether they shall be subject to the domination and dictation of an irresponsible body which assumes to represent the laboring classes.

On July 5 J. C. Craig, of Denver, State president of the Citizens' Alliance, announced that the alliance was in sympathy with the American Smelting and Refining Company, that the alliance would aid the company in securing new employees and in every other way possible, and that the counsel of the alliance would assist in the prosecution of any violators of law among the strikers.

On July 7 there were no men working at the Grant smelter; at the Globe smelter about 20 men were employed in repair work. The Smeltermen's Union had placed pickets about the two plants. They were instructed to use only moral suasion to prevent men from going to work in the smelters. The plants were guarded by 31 policemen. No disorder was reported, and on July 10 the force of special policemen was reduced to 12.

An application for a writ of injunction was made by Franklin Guiterman, manager of the American Smelting and Refining Company. The application was signed by the attorneys of the company and the attorneys of the Citizens' Alliance. It was granted July 7 by Judge N. Walter Dixon, of Pueblo, in chambers at Denver. It was directed against Mill and Smelter Men's Union No. 93, of the Western Federation of Miners, the American Labor Union, the Western Federation of Miners, the Denver Trade and Labor Assembly, the Colorado State Federation of Labor, and against the individual officers of these organizations. The injunction prohibited the defendants from interfering in any way with the business of the complainant, prohibited picketing the premises of the complainant, and prohibited "publishing any orders, statements, rules, or directions by the officers of said defendant association," commanding those who wish to continue their work or return to work not to do so.

To the public statement issued by Manager Guiterman on July 5, the Western Federation of Miners made a public reply. Following are extracts from the reply, dated July 11, and signed by President Moyer and Secretary-Treasurer Haywood:

> The improved machinery operated by the trust has no bearing on the improvement of sanitary conditions for the employees of the smelters. The trust, in supplanting machinery that had outlived its usefulness, was actuated by but one purpose—to cheapen the cost of the treatment of ores and to make more profit. * * *
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> It is strange that the trust would exhibit such a generous feeling toward the mine operators by giving them the benefit of "expense saved by labor-saving devices" and not feel its heart warm toward its employees by extending to them some manifestations of a philanthropic spirit. * * *
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> The manager defends the attitude of the American Smelting and Refining Company on the grounds of "the severe competition it has been obliged to encounter." The trust has been wiping out competition, and has less competition to-day than ever in the history of this country. Notwithstanding the magnitude of the trust, with its up-to-date machinery, the independent smelters, which the trust is struggling to absorb or ruin, pay a higher schedule of wages, and, with but few exceptions, have granted an eight-hour day to its employees. The overcapitalization of the trust, whose appetite demands profit from fictitious values, is the cause of long hours and low wages. * * *
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> The manager declares that the American Smelting and Refining Company has granted eight hours wherever feasible. That is another fabrication. * * * The American Smelting and Refining Company never conceded anything except that which has been wrested from its relentless grasp through the force and power of organized labor. * * *
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> The manager deplores the baneful influence exercised by the Western Federation of Miners over the employees of the American Smelting and Refining Company. The Western Federation of Miners has expended hundreds of thousands of dollars for sick and funeral benefits. The Federation has built many hospitals throughout the metalliferous regions of the West, where the victims of long hours and

miserable wages have found a home to recuperate physical organizations that were drained to mint profit for merciless greed. * * *

Was the American Smelting and Refining Company considering "the best interests of their employees" when a literary bureau was established by the trust, which flooded the fourteenth general assembly with bulletins, using every specious pretext to deaden the consciences of "the servants of the people?" Was the American Smelting and Refining Company showing fair play when it maintained a lobby in the last session of the legislature to nullify the voice of the people as expressed at the polls on the eight-hour constitutional amendment? The responsibility of this strike must rest upon the infamous combination that corrupted and debauched the representatives of the people, who refused, at the bidding of the trust, to place an eight-hour law upon the statute books of Colorado. The men in the mines, mills, and smelters are now convinced of the fact that little can be expected from legislative bodies to ameliorate the condition of the miner while corporations with millions can purchase the honor of men elected to enact such laws.

On July 11 the Western Federation of Miners issued an appeal, signed by President Moyer and Secretary-Treasurer Haywood, addressed "To the officers and members of organized labor, to the members of the Socialist party, and to all friends of laboring humanity." Following are extracts:

The Western Federation of Miners has declared for the collective ownership of the land and the machinery of production and distribution, believing that the whole human race must have free access to the resources of nature and the implements that have been molded from the genius of man before humanity can have an equal opportunity to live. This declaration upon the part of the Federation has aroused the ire of corporations, who behold in the political policy of our organization the dethronement of the privileged class and the abolition of master and slave. * * *

Thousands of our members are now involved in a struggle for eight hours. In Arizona the legislature enacted an eighet-hour law, which took effect on June 1, but the mining corporations ignored the law, and when the miners ceased to work to enforce the provisions of the law, the Territorial militia and the Federal troops were used to aid the corporations to violate the enactment of a legislative body and drive back to the mines the men who were demanding that the eight-hour law should be respected.

In Colorado the people, by a vote of more than 40,000 majority, passed a constitutional amendment empowering the legislature to enact an eight-hour law for all men working in mines, mills, and smelters, but corporate influence debauched the lawmaking body of the State, and the sovereign voice of the people, expressed at the ballot box, was strangled by the mailed hand of the smelter trust and the combinations who believe that labor has no rights which capital is bound to respect.

In Nevada an eight-hour law has been passed, and yet the members of our organization are engaged in a conflict to force the corporations to respect the law. * * * We have at last arrived at the conclusion that only through the united power and action of organ-

> ized labor can an eight-hour law be established that will be beyond the power of corporations and judicial tribunals to nullify. * * *
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> The Western Federation of Miners has concluded to establish an eight-hour fund, and calls upon the labor army of the world to forward such contributions as will swell the fund to such proportions as will enable the Federation to cope with the powers of amalgamated plutocracy. * * * We appeal to every labor organization throughout the world, to the Socialist party of every country, and to every man and woman whose heart yearns for a higher and purer civilization, to respond to this call, that we may be able to lessen the bans of servitude of the wealth producers of Western America.

On July 12 the Amalgamated Trades and Labor Assembly of Denver indorsed the strike of smelter men and pledged its support to the strikers.

On July 14, ten days after the strike began, there were 25 or more men working in the Globe smelter. The Grant smelter was still closed down. The strikers who had been occupying houses belonging to the American Smelting and Refining Company were ordered to vacate them. The union still maintained pickets about the smelters, and 12 special policemen were still on duty at the plants. On July 19 a party of 62 men from Kansas City, St. Joseph, and Joplin, Mo., arrived at Denver to work in the smelters, but when they learned that there was a strike at the smelters only about 20 decided to work there, the others returning to the places from whence they came or going elsewhere. On July 21 all special policemen were withdrawn and only enough regular policemen were left to patrol the property of the company as it had been patrolled before the strike began.

On July 17 President Moyer and Secretary-Treasurer Haywood published an additional statement, in which was quoted the following, among other paragraphs, from the card of Manager Guiterman dated July 5, 1903:

> The American Smelting and Refining Company does not stand before the bar of public opinion as a claimant for special favors, and it offers nothing in extenuation or denial of its course in identifying itself with mining existence and progress in this State. All it asks of the public is that it shall be accorded that protection in the lawful conduct of its business to which the smallest taxpayer is entitled.

Messrs. Moyer and Haywood produced a statement signed July 18, 1903, by John A. Homberg, auditor of the State, certifying that "The American Smelting and Refining Company, a foreign corporation, capitalized for $100,000,000, has not paid its annual State incorporation license tax for the years 1901, 1902, and 1903."

They also quoted section 66 of chapter 3 of the session laws of 1902, as follows:

> SECTION 66. Every corporation which shall have failed to pay the tax provided for in sections 64 and 65 shall, by reason of such failure, forfeit its right to do business within the limits of this State until

> such tax is paid, and shall be absolutely and wholly deprived of all such rights and privileges, and the fact of such failure may be pleaded and maintained as an absolute defense to any and all actions, suits, or proceedings, in law or in equity, brought or maintained by or on behalf of such corporation, in any court of competent jurisdiction within the limits of this State, until such tax is paid.

Messrs. Moyer and Haywood averred that the delinquent license tax of the American Smelting and Refining Company amounted to $12,000. They also produced a statement signed July 16, 1903, by Timothy O'Connor, deputy secretary of state, certifying that no annual report from said company was on file in the office of the secretary of state. Messrs. Moyer and Haywood quoted section 11 of chapter 52 of the session laws of 1901, in part as follows:

> SEC. 11. Every corporation, joint stock company, or association incorporated by or under any general or special law of this State, or by any general or special law of any foreign state or kingdom, or of any State or Territory of the United States beyond the limits of this State shall, within sixty days next after the 1st day of January in each year, commencing with the year 1902, make and file an annual report in the office of the secretary of state, showing * * *

Manager Guiterman, being interviewed in regard to the statement that his company had not paid its license tax, was quoted as saying that the company had paid more taxes than could be rightfully assessed by the State of Colorado, and that it would not pay any more until the constitutionality of the statute should be determined.

The Western Federation of Miners and other organizations against which an injunction had been issued July 7, 1903, by Judge N. Walter Dixon, filed an answer in the district court, July 23, setting forth that the failure of the American Smelting and Refining Company to pay its license taxes was, under the statute, a bar and defense against any action whatsoever which might be brought by the said company. The defendants denied all the allegations of the plaintiff's complaint. Denying that the defendants were guilty of conspiracy, the answer said:

> Defendants assert that about all of the workmen in the employ of the plaintiff, through a committee, requested the plaintiff to enter with them into a contract whereby their work day should be reduced to eight hours; that the plaintiff refused to contract with them respecting hours of labor, and they withdrew from its service.

On August 5 Judge Dixon, upholding his jurisdiction in the premises, sentenced a member of the smeltermen's union to two months in the county jail for contempt of court in disobeying the injunction.

The American Smelting and Refining Company decided not to reopen the Grant smelter, the equipment of which was behind the times. By the middle of August, six weeks after the strike began, the company had enough employees to operate successfully the Globe smelter, and since then it has continued in operation without interruption. Former employees who went on strike have been reemployed only after making a declaration that they have severed their connection with the Western Federation of Miners.

On Thanksgiving Day, November 28, 1903, a crowd of strikers and some women made an attack upon seven of the Globe plant employees as they were returning home from work, beating them and throwing pepper in their eyes. A policeman who attempted to protect the persons assailed was also badly beaten and his eyesight was badly damaged by red pepper. For these assaults 36 of the rioters were arrested and tried. Nine, including 2 women, were convicted and sentenced to six months in the county jail, but the judge suspended the sentence on the women.

Since these assaults were made the American Smelting and Refining Company has kept guards constantly employed to protect its employees and properties at Denver. The strike has never been declared off.

The employees of the American Smelting and Refining Company in its Eiler plant, at Pueblo, requested a reduction of hours of labor to eight per day. Less than 100, or a small minority, of these employees were members of the Mill and Smeltermen's Union at Pueblo. At a conference of the employees and the officials of the company July 24, 1903, an agreement was reached that no action should be taken in the Eiler plant pending the settlement of the strike at the Grant and Globe plants. The employees expressed themselves as willing to work on the schedule of hours and wages that might be agreed upon when the strike at Denver was settled.

No other strikes took place at this time at any of the plants of the American Smelting and Refining Company, and none took place at any of the independent smelters in the State.

On July 4, 1903, the Ohio and Colorado Smelting Company voluntarily posted a notice in its smelter at Salida that, beginning July 8, a trial would be made of the eight-hour system on furnaces only, and wages would be as follows: Feeders and furnace men, $2.75 a day; tappers, $2.50; drivers, $2.25; charge wheelers, $2.25. These wages were lower per day than under the ten and twelve hour system, but higher per hour than had been paid previously.

On July 5 H. V. Pearce, manager of the Argo smelter at Denver, promised to concede to its employees an eight-hour day if the strikers should win their fight with the trust. In an interview he was quoted as saying:

> Our conditions are wholly different from those at the Globe and Grant smelters, and, so far as I know, our men are satisfied. We have men about the furnaces who are on duty twelve hours. They

are up against the heat only half of that time, the other half they are resting and cooling off.

A meeting of Argo sceltermen, held July 17, was addressed by President Moyer and Secretary-Treasurer Haywood. At this meeting 48 men joined the Mill and Smelter Men's Union, making nearly 100 union members among the 175 employees in the plant. The employees, regardless of union affiliation, decided to request a reduction of the working day to eight hours, but as the head skimmers could not be induced to sign a demand, none was presented to the management.

On August 4 the Denver union of the United Brotherhood of Carpenters and Joiners of America called a sympathetic strike of the carpenters employed at the Grant and Globe plants of the American Smelting and Refining Company to support the smeltermen who had been on a strike then for a month.

The strike which began at the Grant and Globe smelters on the night of July 3 appeared to be timed to have the effect of inducing Governor James H. Peabody to embrace a recommendation for an eight-hour statute in a call for an extraordinary session of the general assembly which, it was understood, he was about to issue. July 6 he issued a call for an extra session, to begin on July 20, but he did not recommend eight-hour legislation. The session continued during six days. Both houses, by resolutions, expressed their willingness to enact an eight-hour law if the governor would call another extra session, but he declined to do so, on the ground that no agreement on the terms of such a bill could be reached. The general assembly adjourned July 25. Charles H. Moyer, president of the Western Federation of Miners, being interviewed on the next day, was reported to have said:

> The best thing that ever happened to the workmen of Colorado is the failure of the legislature to pass an eight-hour day law. Had the general assembly passed such a law it would have been ignored by the corporations and fought in the courts until it had been declared unconstitutional. The workman, and when I use that term I mean not only the miner but the toiler of every kind, has realized that he can not get eight hours through the governor or the legislature. He has further realized that he must pass such a law, and he will pass such a law, and it will be a law that will stick. I am pretty well satisfied that the Western Federation of Miners can win for its men an eight-hour day in this State.

Asked if the miners would be called out to support the striking smeltermen, President Moyer answered:

> We don't believe in radicalism, and will not call them out unless we are compelled to. The policy of the federation is to call out as few men as possible. Strikes work a hardship on men, and we don't like to subject them to such hardships to win a fight unless it is absolutely necessary.

CHAPTER XIV.

CONDITIONS IN THE CRIPPLE CREEK DISTRICT IN 1903.

The strike of 1894 in the Cripple Creek district was settled favorably to the miners. For nine years—from 1894 to 1903—the miners maintained a strong organization in the larger gold-mining camps of the State. The federation was strong, especially in the Cripple Creek district, which includes the towns of Cripple Creek, Victor, Goldfield, Independence, Anaconda, and Altman. In electing officers for these towns and for Teller County, in which these towns are situated, the members of the Western Federation of Miners cast the deciding votes, and in many cases the town and county officers were members of the federation.

Following are the names of civil officers who were members of the Federation in 1903:

Teller County:
- Sheriff, H. M. Robertson, Miners' Union No. 32.
- Under sheriff, Jim Gaughan, Miners' Union No. 19.
- Coroner, M. J. Doran, Miners' Union No. 32.
- The county clerk and assessor were union men, and other officials were said to be controlled by the Federation.

Cripple Creek:
- Only one or two offices were held by Federation men, but many of them were held by union men and others who were said to be controlled by the Western Federation of Miners.

Victor:
- Day marshal, Mike J. O'Connell, Miners' Union No. 32.
- Night marshal, Mike Lamb, Miners' Union No. 32.
- Street commissioner, Simon O'Rourke, Miners' Union No. 32.
- Fire chief, J. Murphy, jr., Miners' Union No. 32.
- Jailer, James Printy, Miners' Union No. 32.
- Alderman, J. Murphy, sr., Miners' Union No. 32.
- Alderman, James J. Tobin, Miners' Union No. 32.
- Alderman, Hugh Healy, Miners' Union No. 32.
- Four policemen, Miners' Union No. 32.

Goldfield:
- Police magistrate, H. P. Kean, Miners' Union No. 19.
- Day marshal, J. J. Brothers, Miners' Union No. 19.
- Night marshal, R. C. McCarthy, Miners' Union No. 19.
- Aldermen, all Federation men.

Independence:
- Marshal, Harvey Starbuck, Miners' Union No. 19.

Anaconda:
  Alderman, A. Petersen, Miners' Union No. 21.
  Alderman, Burt Hutchinson, Miners' Union No. 21.
  Alderman, Paul Hensen, Miners' Union No. 21.
  Marshal and all officials said to be partisans of the Western Federation of Miners.
Altman:
  Justice of the peace, J. W. Cooper, Miners' Union No. 19.

However, many prominent officials were never identified with organized labor. Such officials were Mayor W. L. Shockey, of Cripple Creek; Mayor F. D. French and ex-Mayor Nelson Franklin, of Victor; District Judges W. P. Seeds, L. W. Cunningham, and R. E. Lewis; District Attorney Henry Trowbridge; Assistant District Attorney J. C. Cole; County Commissioners W. C. Saunders and E. W. Pfeiffer.

ATTITUDE OF THE FEDERATION TOWARD NONUNION MEN.

The strong organization of the Western Federation of Miners enabled it to keep many nonunionists away from the mining camps. They were denounced as "scabs," and in many cases residence in the mining camps was made very disagreeable for them. The following notice was posted all over the Cripple Creek district on August 6, 1901:

> Take notice, that on and after September 15, 1901, anyone working in and around the mines, mills, or power plants of the Cripple Creek district, who can not show a card of membership in good standing of some local union of the Western Federation of Miners, will be considered a scab and an enemy to us, himself, and the community at large, and will be treated as such.
>
> By order of the Cripple Creek Executive Board of the Western Federation of Miners.
>
> JOHN CURRY, *President.*

The following notice was posted September 9, 1901:

> *To all nonunion miners of the Cripple Creek district:*
>
> You have no doubt read and thought about our circular which was posted pretty thoroughly throughout this district about five weeks ago. This notice is issued for the purpose of reminding you that the 15th of September is near at hand; that the time of grace has about expired. You have had two pay days in which to decide whether you are for us or against us—*there is no middle ground.* While a majority of the men working in and around the mines, mills, and power plants have responded to the call, there are still some outside our ranks. To these this notice is addressed. If you are working in or around the mines, mills, or power plants of this district, *this means you.* Now, don't throw this to one side and say, "Only another bluff." If you are "from Missouri," come into some of the unions of the Western Federation of Miners and we'll "show" you

that we are trying to help you as well as ourselves, and as the 15th is only about six days away, "*you'll have to hurry.*"

The Cripple Creek District Executive Board of the Western Federation of Miners.

By JOHN CURRY, *President.*

SEPTEMBER 9, 1901.

The following was posted in the Cripple Creek district, June, 1902:

NOTICE.

To whom it may concern:

In accordance with a resolution passed by the convention of the Western Federation of Miners in May, A. D. 1902, all delinquent union men and others working in or around mines, mills, samplers, and smelters within the jurisdiction of the Federation, are hereby notified:

That unless they place themselves in good standing or join a union of the Federation on or before August 20 next their names will be placed on the "universal scab list" to be established by the Western Federation of Miners.

By order of District Union No. 1, Western Federation of Miners.

By means of the boycott, slugging, and other acts of personal violence, many nonunion miners were driven away from the various camps at different times. No large bodies of nonunionists were deported, but in many individual cases they were compelled to leave. However, none of the camps was completely unionized. Some nonunion men were permitted to remain, and in many mines unionists and nonunionists worked side by side. This was the case notably in the big Portland mine. James F. Burns, president of the Portland Gold Mining Company, was considered by the union men as one of their best friends, yet he operated the mine on the "open-shop" principle.

On July 27, 1903, nonunionists were forced to leave Victor. Two days previous 5 Austrian miners from Butte, Mont., had arrived at Victor. The unwritten law of many western mining camps that no Italian should be allowed to live in the camps had been strictly enforced in the Cripple Creek district. These 5 men were mistaken for Italians. At that time another sympathetic strike seemed probable—a strike to support reduction mill employees who were on a strike at Colorado City. The 5 men were suspected of being an advance guard of nonunion men to be brought to the camp in anticipation of a strike of miners. Two miners interviewed them, and learning that they were not members of the Federation, informed them that they could obtain work as railroad laborers a mile or two outside the town and that they would be directed there. A committee of three miners called at their boarding house on the evening of July 27, and the foreigners, carrying their grips, went with them in the direction of Hollywood. A rapidly increasing crowd followed. Reaching Hollywood, a miner, addressing the 5 men, said: "Now, you men, we don't want you in this camp. We have got too many men here already, and we don't want your countrymen here anyway." They were advised to "hit the trail" and "keep on going" until they reached Florence.

The men could speak only a few words of English, but one of them explained that he had a sack of bedding at the Midland railroad depot. Being asked his name, he produced a passport. It was then discovered that all were Austrians and all had passports. The owner of the bedding was assured that it would be shipped to Florence. With a warning never to return, which all of them promised to heed, they were started off down the Florence and Cripple Creek tracks, and the crowd was ordered to go no farther. After the 5 men had gone 50 yards a volley of revolver shots was fired into the air.

CHAPTER XV.

STRIKE OF MINERS AT IDAHO SPRINGS IN 1903.

In the spring of 1903, there was a strike of gold miners at Idaho Springs in Clear Creek County. The minimum wages of miners were $2.75 for a day's work of nine hours. They struck for a working day of eight hours, with no reduction of wages. On April 10, 1903, the executive committee of the local union of the Western Federation of Miners sent the following notice to the managers of the various mines:

IDAHO SPRINGS, COLO., *April 10, 1903.*

Mr. ——— ———, *Manager.*

DEAR SIR: As the fourteenth general assembly has failed to comply with the wishes of the people of the State of Colorado in regard to the enactment of the eight-hour law, a measure most earnestly desired by organized labor and the people in general, it becomes apparent to us that we can not hope to secure an eight-hour day through legislation. Therefore, we notify you that on and after May 1, 1903, all mines operating within the jurisdiction of Idaho Springs Union, No. 136, of the Western Federation of Miners, will be required to work eight hours, the men to go to work on their own time and come out on company time. We hope you will grant this request, as we believe it to be for the best interest of all concerned.

Respectfully submitted by the executive committee of the Idaho Springs Union, No. 136, Western Federation of Miners.

The demand being refused, there was a strike on May 1, 1903. The strikers, who numbered about 250, had been employed in the Sun and Moon, Arizona, Teller, Gum Tree, Brighton, and Shafter mines, all of which properties were closed by the men walking out.

On May 18 the Arizona and the Teller mines resumed operations with nonunion men, but paying $2.75 for eight hours' work, as had been demanded by the union. On June 1 the Shafter mine resumed operations with nonunion men. The managers of the Arizona, Teller, and Gum Tree mines, having agreed to pay a minimum of $2.75 for eight hours' work, and not to discriminate against union miners, the union, on June 10, declared off the strike against them. This left only three mines which the union considered unfair—the Sun and Moon, Brighton, and Shafter. The Sun and Moon, which had employed about 125 men before the strike, resumed operations, on June 8, with a small nonunion force, and by July 1 had about 70 employees.

Shortly after 11 o'clock on the night of July 28 there was a terrific explosion at the Sun and Moon mine. It was caused by kegs of powder or dynamite, which, being rolled down the hillside, wrecked the transformer house. The night watchman, E. A. Powell, had seen two or three men on the hillside and noticed there a fire like the striking of a match or the lighting of a fuse. When he called to them to know their business a shot was fired in his direction, whereupon he fired two shots at them. Almost instantly two kegs of powder or dynamite were rolled down the hill. It was supposed that one of the kegs was intended to destroy the compressor house and the other perhaps was intended to wreck the shaft and boiler house, but that the men were frightened by the watchman just as they lit the fuses, and so they suddenly rolled both kegs downhill, and both kegs struck the nearest building, the transformer house.

Fortunately no person was in this house. Fourteen men were working in the mine and 4 men in the shaft house, all of them nonunion men. If one of the kegs had struck the shaft house these 4 men would undoubtedly have been killed, and probably the 14 men below would have been imprisoned and suffocated. As it happened, the only loss of life was one of the dynamiters, named Philip Fire, an Italian and a union man. His body was found in bushes on the hillside. He was conscious, but refused to reveal the name of his accomplice or accomplices. He died the same night. An autopsy on his body indicated that he died from a wound caused by a piece of dynamite or a flying piece of the wreckage. No bullet was found in his body.

Deputy sheriffs began scouring the hills for the other dynamiter or dynamiters. Meanwhile other deputy sheriffs visited the homes of officers and members of the miners' union, placed them under arrest, and confined them in jail. Thirteen were arrested during the night and others the next day.

An indignation meeting to denounce the crime was called by the Citizens' Protective League. This was an association of mine owners and business men, which had been organized since the beginning of the strike at Idaho Springs. It was allied with the Citizens' Alliance, with headquarters at Denver. The ringing of the fire-alarm bell on the evening of July 29 was the signal for the meeting, which was held in the Idaho Springs Opera House. E. O. Moscript, president of the executive committee of the Citizens' Protective League, called the meeting to order and nominated F. L. Collom for chairman. Mr. Collom took the chair. He made a speech, in which he said:

> What shall be done with the men now in custody? They are the ones who concocted this scheme months ago and have just found men subservient enough to carry out their designs.

W. P. McCormick, a retired merchant, made a speech in which he said:

> I do not believe it is the fault of the men, for I hold many of them to be decent, industrious citizens; but it is the leaders who are to blame for what has occurred. The question before us is, Shall the people of Idaho Springs or a few outsiders run this city? Moyer and Haywood are the arch anarchists of this country, along with Herr Most. I see that Moyer is coming to Idaho Springs to-morrow. I want to say that if the people allow him to land his feet in Clear Creek County they are dirty, arrant cowards.

Lafayette Hanchette, manager of the Lamartine mine and president of the First National Bank of Idaho Springs, made a speech in which he referred to the assassination of Arthur L. Collins, manager of the Smuggler-Union mine at Telluride. A strike occurred there in 1901, which was won by the Western Federation after a fierce contest. On the evening of November 19, 1902, over a year after the strike was settled, Manager Collins was killed, while sitting in his house, by a shot fired by an assassin on the outside, whose identity has never been discovered. Mr. Hanchette said:

> I know that Manager H. N. Sims, of the Sun and Moon mine, has been a marked man for months. It was the design of these men to remove us as they did Arthur Collins at Telluride. The officers of the Western Federation of Murderers know who committed that foul deed. It is not pleasant to do business and try to build up our city with the consciousness that there are men ready to pick you off from behind bushes or bowlders. These assassins will not shoot a man in the front, but will creep upon him cowardly from behind. I know that the men down in the city jail were too cowardly to roll kegs of powder down upon the Sun and Moon mine, attempting to kill all the men at work there, but they got some ignorant Italians to do the job for them.
>
> I think that if it is good law for the Western Federation of Murderers at Victor to walk five Austrians out of town, it is good law for us citizens to adopt here to-night. Don't do anything unlawful, but we can't have bad citizens among good ones, and we must get rid of them. I now move that it is the sentiment of this meeting that we go to the calaboose and there take the prisoners and escort them to the edge of the city limits and tell them firmly to go and never return.

J. W. B. Smith, deputy district attorney, asked to be heard before the motion was voted upon. Counseling moderation, he said:

> I want to reason with you, fellow-citizens. I do not belong to the Citizens' Alliance or to the miners' union. This Citizens' Alliance is composed of the bone and sinew of this city, and I know its members will not do anything wrong; but I warn you that there are irresponsible men in our midst, and when a mob once gets started there is no telling where it will end. I have seen mobs in the South and I know what they come to. I realize that all of you men here to-night want to act for the best interests of the city, but I am afraid

you are about to take a step that will result in serious trouble. No one has presented any evidence that any of these men down in the jail are guilty.

R. C. Bonney interrupted the speaker, asking: "Are you here as the representative of the miners' union, or have you been employed as an attorney by any of the members during the past five months?" Mr. Smith answered in the negative, and Mr. Bonney added: "The union had its say last night, and the citizens of Idaho Springs will have theirs to-night."

Mr. Smith went on: "If you present any evidence of the guilt of any man to the district attorney's office I assure you that the parties will be prosecuted to the bitter end. When you go out of this hall as a mob you lose control of yourselves and may innocently and unintentionally become murderers."

J. J. May, a mine operator, said: "If we can save the lives of the mine operators and the men who work in the mines by getting rid of the union, let us do it."

Chairman Collom remarked: "I am placed in a very embarrassing position. As city attorney, I am sworn to uphold the law, so if there are any violations of law to-night I shall be obliged to prosecute somebody to-morrow."

The chairman then put the motion, which was carried with a shout. The meeting broke up and the people started for the county jail. The crowd was composed of about 500 citizens, including many business men and professional men. On reaching the jail they demanded the prisoners. The three guards were required to give up the keys and the door was unlocked. Fourteen of the 23 men in the jail were ordered out. All of these men were members of the Western Federation of Miners. They included the following officers of the local union: Howard Tressidder, president; Thomas Walsh, vice-president; A. D. Olcott, secretary, and Peter Bender, treasurer.

UNION MEN FORCED TO LEAVE IDAHO SPRINGS.

With the 14 union men in advance the crowd moved down the main street to the extreme eastern end of the city, more than a mile away. At that point Lafayette Hanchette told the 14 men that the citizens of Idaho Springs would not countenance violence; that they were satisfied that at least some of the men had instigated the plot to dynamite the Sun and Moon mine, and also planned to assassinate certain mine managers. He said that the citizens had decided that these men must leave and never return. "Never show your faces in Clear Creek County again," he said, "for if you do we will not be responsible for what may happen to you. A very considerable element here has been for hanging you men, but the conservative citizens have prevailed. They expect you to keep moving until you get out of the State.

Don't stop in Denver except long enough to get aid from your Federation."

The men were asked whether they had anything to say, but none offered a defense or uttered a protest. Several asked whether they might send for their families or their effects, and they were assured that no objection would be made, and that their families would be supported until they should be sent for. Lafayette Hanchette and others in the crowd gave some of the men small sums of money to provide for their immediate necessities. The men then moved off into the darkness. The crowd, learning that they had stopped, pursued them down the road, and one man fired a pistol shot into the ground, but the exiled men had halted only to tell good-by to friends whom they had met, and, after a momentary pause, they continued on their way to Denver.

On the morning after the explosion, the executive committee of the Citizens' Protective League met and resolved to reimburse the owners of the mine for the loss which they had sustained. The executive committee also decided to call the mass meeting, and planned the deportation and selected the men to be deported. These plans were executed without deviation. Some of the 14 deported men had lived at Idaho Springs several years. Four or five of them had families living there. Several union men who had been arrested and placed in jail at Idaho Springs were not deported. Several others suspected of complicity in the plot to blow up the Sun and Moon mine were confined in the jail at Georgetown, the county seat of Clear Creek County.

On July 30 the executive committee of the Citizens' Protective League issued the following statement:

> The action of the citizens of Idaho Springs last night speaks for itself. The members of the union were given to understand from the first that so long as they were agitators of socialistic principles we would hold them responsible should any damage be done to any property in the district. When men argue in public and private that capital hasn't a right to a reasonable profit on the labor it employs, and tell their followers that they have been robbed of every dollar that their employers make, it is little wonder that the ignorant ones are inspired to such dastardly deeds as that committed at the Sun and Moon last Wednesday night. We have more sympathy for the Italians touching the fuse that destroyed the transformer house and resulting in the death of one of them, than we have for the agitators who inspired them to do it. The Italians came to this country with little understanding of the full meaning of republican liberty, and when Americans tell them that their employers are robbers and tyrants it is little wonder that it makes anarchists of them.
>
> The people of Idaho Springs had reached the limit of endurance. This has never been a union stronghold, and our people believe that they would rather give up their homes and business than submit to policies of tyranny which have threatened our public and private

> institutions and the lives of our citizens for the past six months. The action of last night shows that the people will not submit to the dictation of a few imported union agitators. There may be some people who believe that the action was too radical, but for each of them there are two others who believe it was not radical enough.
>
> We think that this settles the trouble in the Idaho Springs district. It was only by the effort of the leaders of the Citizens' Protective League that no bodily injury was done to the union men, and that they were permitted to leave the town without personal injury. As is well known, the indignation which has existed here has been so intense that a word might have caused the lynching of some of the parties implicated. We have fought against this from the start, and the union men can thank the Citizens' League that they were permitted to leave town unharmed.
>
> The union miners in the Cripple Creek district established the precedent a few days ago, when five innocent Austrians seeking employment were led from the town of Victor for no cause whatever. In the light of that action the Western Federation of Miners can not consistently criticise what was done here last night.
>
> When the Sun and Moon resumed operations, we assured the management that we would protect them and their property. The Citizens' League has used every means in its power to prevent any disaster from occurring in this district, and we feel confident that our vigilance has been the means of preventing the outrages until this time. On the morning after the dynamiting the executive committee of this body met and passed a resolution pledging the Sun and Moon management that we would furnish the funds to replace the damaged property. In this manner we propose to carry into practical effect our promise to protect all members of this organization against outrages perpetrated by anarchy. We look upon the destruction of this property as our loss, and not the loss of the Sun and Moon Company.

At a meeting of the Citizens' Protective League August 3 the sum of $2,875.50 was pledged to the fund for reimbursing the Sun and Moon Mining Company for its loss.

On July 31, 4 additional union men were deported from Idaho Springs, and on the next day 1 more. On July 31 a committee of the deported men presented a petition to Governor James H. Peabody. The petition said:

> We have been arrested, imprisoned and banished from our homes without warrant or due process of law. An organization known as the Citizens' Protective League, aided and abetted by the sheriff and his deputies, and by the city authorities of Idaho Springs, forcibly took us from our homes and from our places of employment in the mines, and, after subjecting us to the indignity of arrest and imprisonment, commanded us to leave and never to return.
>
> We have committed no violations of law, and we ask, as citizens of this State, that you will tender us such protection as will return us to our homes, and, furthermore, that we shall be guaranteed no further molestation from a lawless association that has become a law unto itself. If we are guilty of violating any law we claim the right of being heard before a legal tribunal.

On August 3 Governor Peabody returned a reply declining to interfere. The following is quoted therefrom:

> The injuries of which you complain are such as the courts have been given by the constitution full power to redress. If you have been falsely or wrongly imprisoned, without warrant or due process of law, your right of action against the person or persons so falsely or wrongly having imprisoned you is clear. * * * Until the civil power has been exhausted and found incapable of preserving order and protecting persons and property, and the fact is made to appear to the governor by the sheriff of the particular county or the mayor of the particular city of town, the governor is not empowered to call out the militia. You will, therefore, readily see, as no such fact has been made to appear to me by such authorities, that I have no authority to furnish military protection, as your communication possibly suggests, and that your remedy is to be found in the institution and prosecution of proper actions in the local courts.

On August 4 there was a meeting of the Citizens' Alliance at Denver, about 500 being present. Resolutions were adopted approving the action of the citizens of Idaho Springs for "the conservative, orderly, and careful manner in which they administered rebuke to violators of the law and their instigators." The following is quoted from the preamble:

> Our attention has been called to the recent action of the Citizens' Protective League of Idaho Springs, which, while technically speaking, was without due process of law, yet, nevertheless, from the standpoint of expediency and self-defense, was calculated to save lives, liberty and property.
>
> Now, therefore, we, the Citizens' Alliance of Denver, believe that the business men of Idaho Springs acted within that higher and unwritten code of self-preservation to which resort must always be had by men when there is no speedy and adequate remedy at law.

On application of the attorney of the deported men, on August 10, 1903, Judge Frank W. Owers, sitting in the district court at Georgetown, granted an injunction restraining each and every member of the Citizens' Protective League from interfering with the deported men or preventing their return to their homes and business. Commenting on the complaint of the plaintiffs, Judge Owers said:

> The action of the Idaho Springs mob—I take pains to use the accurate term—in running out of town, with threats of violence, the officials of the miners' union was sheer anarchy, an outrageous violation of the rights guaranteed by the Constitution to the humblest person.

Eight of the deported men returned to Idaho Springs on August 11. On the complaint of Manager H. N. Sims, of the Sun and Moon mine, a police magistrate issued warrants for the arrest of the 8 men on the charge of destroying the transformer house, and they were, on the same day, confined in the city jail. In court at Georgetown, on the same day, Judge Owers severely lectured District Attorney H. G.

Thurman for not investigating the deportation of the miners, as well as the destruction of the transformer house. He said that the Citizens' Protective League was a union as well as the Western Federation of Miners, and he further said:

> There seems to be a very active investigation going on in regard to one crime, and apparently no investigation as to the other. The miners' union seems to be under very rigid investigation, and the other union seems to be escaping investigation by the district attorney.

On complaint of the deported men, by their attorney, Judge Owers issued bench warrants for 129 citizens of Idaho Springs, charging them with rioting, making threats, and assault. Most of these men were arrested, and gave bond for their appearance in the sum of $500 each. The deported men who had been reimprisoned were also released on bail.

In December, 1903, John E. Chandler, financial secretary and business agent of the Federation in Idaho Springs, Foster Milburn, Ralph Sanborn, Frank Napoli, and Joseph Carbonetti were tried at Georgetown, Clear Creek County, on the charge of conspiracy to blow up the transformer house of the Sun and Moon mine. Being acquitted, they were rearrested immediately, and brought to Central City, Gilpin County, charged with malicious mischief in blowing up the transformer house. The reason of trials in two counties was that the transformer house was in Gilpin County, near the dividing line between the counties, while the kegs of dynamite were rolled by persons on a hillside in Clear Creek County, just across the line. In the trial at Central City, Chandler was acquitted in June, 1904, and Milburn was acquitted in July, 1904, after which the district attorney nolled the cases against Sanborn, Napoli, and Carbonetti.

In the district court at Georgetown on February 8, 1904, District Attorney H. G. Thurman entered a nolle prosequi in each of the cases against the citizens charged with rioting and making threats and assaults when they drove union miners away from Idaho Springs. He reviewed the history of the recent trial of members of the union, and spoke of the expense to the county without any conviction. He also said that should the citizens charged with rioting and making threats and assaults elect to be tried separately there might be 2,400 peremptory challenges, that the cost of the prosecution would exceed $18,000, and that no evidence had been brought to his notice that would warrant placing these persons on trial. He therefore entered a nolle prosequi in every case.

P. F. Carney, special prosecutor appointed by Judge Owers, said that while he had no authority to supersede the district attorney he would protest against his action in nonsuiting the cases. F. F. Richardson, who had been engaged to aid in the prosecution, severely criticised the action of the district attorney, and repeated a conversation had with him two days previously, when the district attorney said that he had no objections to Mr. Richardson assisting in the prosecution, and that unless pressure should be brought to bear, the case would be prosecuted to a finish. Mr. Richardson said that it seemed that pressure had been brought to bear, and as though there was one law for influential citizens and another for poor people, and he further declared that in his whole experience at the bar he had never known a case to be nolled with the evidence so clear and convincing.

The court said that as the State supreme court had decided that the district attorney had authority to nonsuit a case there was no alternative but to allow the nolle prosequi to be entered.

After the union miners were deported from Idaho Springs only nonunion men were able to secure employment in the mines there.

CHAPTER XVI.

SECOND SYMPATHETIC STRIKE OF MINERS IN THE CRIPPLE CREEK DISTRICT IN 1903.

On March 31, 1903, when a settlement of strikes at the Portland and Telluride reduction plants at Colorado City was effected, the managers agreed to confer with a committee of the Colorado City Mill and Smelter Men's Union, No. 125, of the Western Federation of Miners, to consider a new scale of wages. The result was an increase of wages at these plants, the minimum wage being increased from $1.80 to $2.25 per day of eight working hours. This scale went into effect May 1, the understanding being that it would be enforced also in competing establishments. The Standard mill at Colorado City, owned by the United States Reduction and Refining Company, continued to pay the old scale, the minimum wage being $1.80 per day of eight working hours.

The inequality of wages caused dissatisfaction among the union employees of the Standard mill, and also caused the managers of the Portland and the Telluride mills to be dissatisfied. Manager Hugh Fullerton, of the Telluride Reduction Company, posted a notice on July 1 to the effect that after July 5 wages would be reduced and the minimum would be $2 a day.

At a regular meeting of the Mill and Smelter Men's Union of Colorado City on July 3, 1903, the members voted to strike against the United States Reduction and Refining Company. There were two causes for this strike: First, the refusal of Manager C. M. MacNeill to consider the wage scale; second, the failure to reinstate the men who had been engaged in the strike, which began February 14, 1903, and continued until March 31, according to an agreement made on the latter date.

Up to May 23, 60 of the strikers had been offered reemployment, and of that number only 13 had accepted reemployment, the other 47 refusing reemployment because they were not offered the positions which they had formerly held, or positions equally as good. From May 23 to July 3, 1903, the number of employees at the Standard mill was not increased, so that during that time none of the former strikers were offered reemployment by the company.

When the strike was ordered, July 3, the Standard mill had about 150 employees. The Colorado mill, owned by the same company, was still shut down. Of the 150 employees at the Standard mill only 9 went out July 3, and they were 9 of the 13 members of the union who had accepted reemployment between March 31 and May 23.

When this strike was declared, Manager Fullerton caused to be removed the notice of a reduction in wages at the Telluride mill.

A committee of the members of the Western Federation of Miners at Cripple Creek visited Colorado City, August 8, 1903, to meet with Manager MacNeill and make a final effort to settle the strike of employees in the Standard mill. The conference failed to bring about an adjustment of the differences.

District Union No. 1, at a meeting held at Cripple Creek on the evening of August 8, 1903, ordered all employees in and about the mines in the district to cease work on the morning of Monday, August 10, except employees who were working on properties shipping ore to the Economic mill at Victor, the Dorcas mill at Florence, and the cyanide mills of the district. These mills which were excepted were independent plants, not connected with the American Smelting and Refining Company (the "smelter trust") or the United States Reduction and Refining Company.

The reason assigned by members of the district union for making the order to strike so sweeping in character was that, during the strike earlier in the year, when only the known shippers to the Standard mill at Colorado City were shut down, others helped that plant by shipping to other places ores which were then reshipped to the mill that was under the ban.

This sympathetic strike of miners, like their sympathetic strike of five months earlier, was ordered by the district union, which was composed of thirteen representatives from the eight local unions in the Cripple Creek district and the local union at Colorado City. These local unions had voted to refer the matters at issue to the district union for settlement, giving it full power to call a strike, if necessary. The action of the district union at Cripple Creek was indorsed by the executive board of the Western Federation of Miners at Denver.

On August 11, 1903, the number of men on strike in the district was 3,552. Although the members of the Federation loyally obeyed the strike order, there is no doubt that this second sympathetic strike was very unpopular with the miners, however the first one may have been. Indeed, many well-informed, disinterested persons assert that 90 per cent of the miners were opposed to the second sympathetic strike, and this has been admitted even by some prominent members of the Federation.

On August 11, 1903, Manager MacNeill issued a statement, in which he said: "We have for years worked our employees but eight hours in our milling plants and paid them more than current wages for like services." The following statement from the Mine Owners' Association, signed by 30 members, was issued on August 13:

> A general strike has been called on the mines of Cripple Creek district by the executive heads of the Western Federation of Miners. At the time this strike was called, and in fact ever since the settlement of the labor difficulties of 1894, the most entire harmony and good will has prevailed between the employers and the employed in this district. Wages and hours of labor have been satisfactory and according to union standards, and general labor conditions have been all that could be wished.
>
> Notwithstanding all this, the heads of the Western Federation have seen fit to compel the cessation of all labor in the district, not because of any grievance of their own against the Cripple Creek operators, but for reasons entirely beyond our control. No more arbitrary and unjustifiable action mars the annals of organized labor, and we denounce it as an outrage against both the employers and the employed.
>
> The fact that there are no grievances to adjust and no unsatisfactory conditions to remedy leaves the mine operators but one alternative, and that alternative they propose to adopt fearlessly. As fast as new men can be secured, our mining operations will be resumed under former conditions, preference being given to former employees, and all men applying for work will be protected to the last degree.
>
> In this effort to restore the happy conditions which have existed so long, we ask and confidently count on the cooperation and support of all our former employees who do not approve the methods adopted, as well as of the business men of the district, who are equal sufferers with us.
>
> In the resumption of operations, preference will be given to former employees, as before stated, and those desiring to resume their old positions are requested to furnish their names to their respective mines at an early date.

To the foregoing statement the executive committee of District Union No. 1 issued a reply August 14, in part as follows:

> The position taken by the Mine Owners' Association that this is a sympathetic strike, is known to all, whether members of the Western Federation or not, to be untrue, and only those who have given little or no thought would give publication over their signatures to such shallow argument.
>
> The arguments advanced by the Mine Owners' Association that the mill and smelter employees should not be affiliated with the miners in the same organization, from the fact that the two work under entirely different conditions, and are distinctly separate industries, are extremely flimsy.
>
> When we note the sentiments of prominent members of the Mine Owners' Association—that the interest of the employer of labor

in the mining industry, whether he be the operator of a mine, sampler, mill, or smelter, is identical, and the doors of the Mine Owners' Association are open to him—why should they deny the same rights to the employees that they take for themselves?

There is no disposition on the part of the membership of the Western Federation of Miners or District Union No. 1 to deprecate the spirit of fairness shown by some mine operators of the district in the past, and we hold only the kindest regards for them.

The Mine Owners' Association in their statement would have the members of organized labor, as well as the public, believe that they, the miners, are being coerced by their officers to take part in an unjust and unreasonable strike. This sort of rot is too flimsy to be taken seriously by any members of the Federation. The officers know well that the rank and file of the Federation have implicit confidence, and are fully in accord with, the action of the officers whom they have elected, and whose duty it is to manage the details of the strike, and will stand as a unit in carrying out the policy of the organization, in the efforts to establish living conditions not only in the mines but in the mills and smelters, and to maintain the right to belong to a labor organization without endangering the chance of making an honest living.

At a picnic of District Union No. 1, at Pinnacle Park, Cripple Creek, August 15, speeches were made by President Charles H. Moyer and other officials of the Western Federation of Miners. President Moyer said in part:

It has been reported through the press, it has been claimed by mine owners and by representatives for the corporations of this State that this is a sympathetic strike; that for that reason the strike of the miners in the Cripple Creek district was not justified, and they were not justified in shutting down the mines of this district in order to support the mill men of Colorado City.

I want to say to you people that this is not a sympathetic strike; that it is a strike of the Western Federation of Miners. The mill men of Colorado City are a part of the Western Federation of Miners; the local union of the Colorado City mill men is a part, and the local or district union No. 1 is a part. That, for this reason, is not a sympathetic strike. The miners who compose the Western Federation of Miners in the Cripple Creek district have pledged themselves to support their fellow-workmen in any part of the organization. * * *

If the mine owners of Cripple Creek district desire that peace should prevail in this district, all they have to do is to say to the United States Reduction and Refining Company, or Mr. MacNeill, If you desire to further reduce our ores, you must pay the men in your employ reasonable wages. * * *

The Western Federation is going to do everything in its power in assisting the miners of the district to win this fight. It is composed of miners all over the West from the Missouri River westward, and throughout British Columbia. It is our purpose to throw the strength of this organization into this movement, because we believe we are justified. We are not shirking responsibility, and we are going to use the strength of the entire organization, if necessary, to compel the United States Reduction and Refining Company to go out of business in this State or to place its employees on a fair basis.

I sincerely trust and advise that nothing be done during this trouble that will be in violation of the laws of the State. If men so far overcome their principles as to take a position against you, who are striving to secure to them their rights, you will be doing nothing but harm to your position by resorting to means that will be in violation of the laws, and I advise, implore, and plead to the members of the organization that they do nothing which is in violation of the laws of the State.

From the foregoing it appears that the sympathetic strike of miners on August 10 was caused by the refusal of the United States Reduction Company at Colorado City to advance the wages of mill men, and by the discrimination which that company had exercised against its employees who were members of the Federation. The strike of the miners had little if any connection with the strike for an eight-hour working day, which commenced July 3, at the two smelters of the American Smelting and Refining Company at Denver. The reduction plants reduced low-grade ores and the smelters finer grades. Most of the ores from the Cripple Creek district are of low grade, hence most of the tonnage from that district goes to the reduction plants instead of the smelters. Only about 10 per cent of the ores treated by the smelters of the American Smelting and Refining Company at Pueblo, Leadville, and Durango came from the Cripple Creek district, and practically none of the ores treated by the two smelters of this company at Denver came from there; hence the strike of the miners had but little effect on the plants of this company.

The first break in the ranks of the strikers was at the El Paso mine on August 18, when work was resumed with about 75 men, of whom about 12 were union men. The mine was guarded by 17 armed men, and a barricade, a fence 10 feet high, was built around the shaft house. Some of these guards were deputies, appointed by Sheriff H. M. Robertson, and all of them were paid by the mining company.

On August 22 officers of the Federation made a satisfactory settlement with James F. Burns, president of the Portland Gold Mining Company. The former employees, numbering about 500, were notified to resume work at the mine on August 26. By September 1 nearly the full force was employed. The settlement included a stipulation that no ores from the mine should be shipped to unfair mills. This company had its own reduction plant at Colorado City. Mr. Burns also conceded the privilege of Federation officials visiting the mine and asking miners to join the Federation. However, most of the employees were already members of the Federation.

The merchants in the Cripple Creek district having decided that they would discontinue giving credit and sell for cash only, the Western Federation of Miners opened stores at Cripple Creek, Victor, and Anaconda. These cooperative stores, which were opened late in August, sold goods, mostly groceries, to members of the Federation at cost for cash, and when their money was gone they were extended credit. Later a cooperative store was opened at Goldfield.

On August 25 the Federation ordered a strike against the Telluride Reduction Company, at Colorado City, which earlier in 1903 had increased wages and granted every other demand of the Federation. The Federation demanded the discharge of the head precipitator, Walter Keene. He was a nonunion man, but the alleged reason for the demand was that his supposed connection with the disappearance of ore was a reflection on the millmen, nearly all of whom were members of the union. The demand for his discharge was refused. When he entered the mill on August 25, he was warned not to go to work; threats and epithets were applied to him, and he was struck over the head with a dinner pail. He went to the office of the company and resigned. Thereupon Manager Fullerton sent the following communication:

MILL AND SMELTER MEN'S UNION No. 125,
Colorado City, Colo.

GENTLEMEN: When our company informed you that it was not our intention to discriminate against union men, when hiring our force of workmen we understood that your union was not to discriminate. One of our best men, Mr. Keene, has just resigned from our employment because of actual bodily violence, and because of threats on his life made by a mob of your union in our employment.

Our company will not stand for any such system of dictation by any union, as to whom we may or may not keep in our employment, and we give you notice that Mr. Keene did not resign with our consent; that we are well satisfied with him in all respects, and that had he been willing to remain in our employment we would have stood back of him in all events; and that if any such system of dictation is again attempted by your union our company will discover which of our employees belongs to your union, and will at once discharge every union man, for the sole reason that he is a union man, and that we will thereafter conduct our mill as a nonunion mill.

Respectfully,

H. W. FULLERTON,
General Manager.

COLORADO SPRINGS, COLO., *August 25, 1903.*

Manager Fullerton sent a second letter to L. N. Edwards, president of the Mill and Smelter Men's Union, notifying him of the discharge of Robert De Long for assault upon Keene, also of the discharge of another union man named Reineck for interference with the management of the plant. On the same afternoon there was a conference between a committee of the union and the officials of the company. President Edwards, who headed the union committee, asked Manager Fullerton to recede from his position. Manager Fullerton refusing to do this, a strike immediately followed, and of 140 employees all save a very few quit work, closing the plant. President Edwards ordered that the fires should be cooled, and that the mill should be left so that the company would be caused as little loss as possible, and this was done.

On September 2 the Standard Reduction Mill, at Colorado City, closed down on account of lack of ores for treatment, a result of the strike of Cripple Creek miners. About 150 men were thrown out of employment, but the management announced that they would be paid one-third of their regular wages for an indefinite period.

At another one of the plants of the American Smelting and Refining Company—its Durango smelter—a strike for eight hours occurred. This smelter is located at Durango, La Plata County, in the southwestern part of the State. A committee waited upon the manager, Daniel McLean, to request a conference to arrange an eight-hour wage scale. The spokesman said that nonunion men joined with the union men in making this request. Manager McLean asked if the nonunion men were represented on the committee, and the reply was in the negative. He also asked if all members of the committee were working in the smelter and one said "No." He then declined to deal with the committee as it was constituted. The committee withdrew and notice of a strike was posted. The strike began August 29, 1903, when about 160 of the 185 employees struck. Some of the strikers were nonunion men.

The Citizens' Alliance of Durango held a meeting and resolved to guarantee protection to all persons who might desire work. Circulars, printed in both English and Spanish, making such guaranties were issued. The sheriff swore in about 100 deputies to preserve order. Frank Schmelzer, president of the San Juan County Miners' Union, and also president of the San Juan District Association of Miners, was arrested August 31 on the charge of making threats, and was released on bail. On September 2 a number of Navaho Indians arrived from New Mexico and were employed by the company in the smelter.

CHAPTER XVII.

STRIKE OF MILL MEN AT TELLURIDE IN 1903.

The strike of mill men for a reduction of working hours, from nine to twelve-hour shifts to eight-hour shifts per day, and for a new scale of wages, occurred in the fall of 1903 at Telluride, in San Miguel County, in the southwestern part of Colorado. The strike was ordered by Miners' Union No. 63 of the Western Federation of Miners. The demands in full were as follows:

WAGE SCALE IN EFFECT AND AS DEMANDED BY THE MILL MEN.

Occupation.	Scale in effect.		Scale demanded by union.	
	Wages per day.	Hours per day.	Wages per day.	Hours per day.
Crusher men	$3.50	10	$3.00	8
Battery men	4.00	12	4.00	8
Battery men's helpers	3.50	12	3.00	8
Huntington and Chili men	3.50	12	3.50	8
Concentrator men	4.00	12	4.00	8
Concentrator men's helpers	3.00	12	3.00	8
Bump table men	3.50	12	3.50	8
Amalgamators	4.00	12	4.00	8
Engineers (a)	4.00	12	4.00	8
Firemen	3.50	12	3.50	8
Blacksmiths	4.00	9	4.00	8
Blacksmiths' helpers	3.25	9	3.25	8
Canvas-plant employees	3.50	12	3.00	8
Solution men	4.00	12	4.00	8
Solution men's helpers	3.50	12	3.50	8
Machinists (b)	4.00	9	4.00	8
Laborers and shovelers	3.00	10	3.00	8
Gripmen and loaders	3.00	10	3.00	8
Brakemen and linemen	4.00	10	4.00	8

[a] Engineers, $4 for eight hours, if hoisting men.
[b] Machinists, wages vary from $3.50 to $4.50.

NEW CONDITIONS OF EMPLOYMENT DEMANDED.

Shift for miners to start from mouth of tunnel or collar of shaft.

All mill and cyanide men to join the union by the 1st of September, under penalty of being discharged.

All men to board where they please.

Secretary of the union to have the right to go through the mills to collect dues and solicit members.

Time and half for first four hours overtime; double time for second four hours overtime; when requested by company.

On November 28, 1901, Miners' Union No. 63 had entered into an agreement with the Telluride Mining Association, which fixed a scale of wages for miners and provided that underground men should work only eight hours per day; outside men, eight to twelve hours. At the time this agreement was signed, the mill men were not members of the miners' union, and consequently could not be included in the agreement, but when the strike of 1903 occurred, the mine managers claimed that it was understood by both parties to the agreement of 1901 that the wages and hours of employment then prevailing for mill men should be continued during the life of the agreement, which was to be three years.

On the other hand, the miners claimed that when the agreement of 1901 was made it was understood that the time of miners should begin when they entered the tunnel, but that shortly afterward the operators had violated this understanding. The miners further claimed that shortly after the agreement of 1901 was made, the operators had violated one of its provisions allowing employees to board where they pleased, and compelled them to board at the company boarding houses, regardless of the fact that some of the men were living near the mines with their families.

The new demands made by the miners' union for the benefit of the mill men were refused by the San Juan District Mine Owners' Association. This association, composed of mine owners in San Juan, San Miguel, and Ouray counties, was organized August 29, 1903. Charles A. Chase, secretary of the association, wrote to O. M. Carpenter, secretary of the union, August 31:

> The ore being mined is now so low grade as to make it unwise and practically impossible to grant any change in wages and hours that will add even slightly to costs of operation. These conditions have forced the San Juan Mining Association to feel the necessity of maintaining existing scales of wages and hours and conditions of labor.

On September 1, 1903, about 100 men employed in the various reduction mills and cyanide plants quit work. They cleaned up about the mills and left them in as good a condition as possible. Secretary Carpenter, of the miners' union, said in an interview that in deciding to strike, the miners were not allowed to vote, and only the mill men voted. The strike closed six mills—the Tom Boy, Liberty Bell, Nellie, Columbia, and Menona mills, and one of the Smuggler-Union mills.

The miners did not strike, but the ore bins of the Liberty Bell, Tom Boy, and Nellie mines being full, it was necessary to close the mines, throwing about 500 miners out of work.

To accommodate its members the union rented several houses and opened lodging houses and restaurants on the cooperative plan. Several hundred of the strikers left for mining camps in other States, seeking employment.

On September 4 committees from the Telluride Federal Labor Union had called out the cooks, waiters, and other employees in the company boarding houses. On account of the strike of cooks and waiters, the Smuggler-Union and the Alta mines were closed on September 4. By September 6 it was estimated that over 700 men had left the camp, seeking employment elsewhere, mostly in Idaho and Montana.

Afterward the managers of several mills agreed to reduce the working hours from twelve to eight hours, the mill men to accept a reduction of 50 cents a day—those receiving $4 to get $3.50 and those receiving $3.50 to get $3.

CHAPTER XVIII.

MILITIA ORDERED TO THE CRIPPLE CREEK DISTRICT.

For about three weeks after August 10, 1903, when the strike of Cripple Creek gold miners began, there was no unusual disorder in that district. During that time work was resumed at only one mine—at the El Paso mine on August 18—and no attempt was made to resume work at any other mine.

On the night of August 29, the shaft house of the Sunset-Eclipse mine near Cripple Creek was destroyed by fire. The fire was supposed to be of incendiary origin and was attributed by some persons to members of the Federation.

On the morning of September 1, 1903, when several carpenters and an engineer were going to the Golden Cycle mine, near Cripple Creek, one of the carpenters was halted by a union picket, who presented a pistol to stop him, but the watchman of the mine, who was a deputy sheriff, advised the picket to put away his pistol, which he did. Edward Minster, a union man, was arrested for this assault September 2, but the next day was released. Sheriff H. M. Robertson was criticised for releasing him while an information against him was being prepared. Deputy Sheriff James Gaughan had been informed by Deputy District Attorney J. C. Cole that the latter was preparing an information against Minster, but the sheriff released him on the ground that it would not be justifiable to hold him longer than twenty-four hours without any information against him being filed.

On the afternoon of September 1 John T. Hawkins, justice of the peace at Anaconda, while walking down the main street of Altman, was suddenly set upon, knocked down, and wounded on the back of his head. He was a small man, with a disabled arm. He saw his assailant running away, but failed to recognize him. On the previous day two guards at the El Paso mine, who were arrested at the instance of the union officials for carrying concealed weapons, were brought before Justice Hawkins for examination. He discharged one of the men on the ground that he had not carried his revolver concealed. The other man pleaded guilty and was fined $25 and costs. The only explanation that was given for the assault on Justice Hawkins was the supposition that a member or members of the Federation committed the assault because of dissatisfaction regarding the discharge without punishment of one of the guards who had been arrested for carrying a revolver. However, the identity of Justice Hawkins' assailant was never discovered. Charles Campbell was arrested for complicity in this crime, but was released.

On the night of September 1, 1903, an atrocious assault was committed on Thomas M. Stewart, at Independence. He was about 50 years old, a paper hanger by trade, and a nonunion man. Not having work at his trade, he applied for any kind of work at the Golden Cycle mine. He was given a job as carpenter, and on the morning of September 1 began building a fence around the mine. Shortly after 8 p. m. on that day his house was entered by 5 masked men, who struck him with revolvers and took him away, threatening his wife if she should make any outcry. He was taken some distance on the road, was cursed and denounced as a "scab," and the beard on one side of his face was shaved off. He was severely beaten, and finally one of his assailants placed a pistol at his back and fired. The ball entered his right shoulder, glanced upward and came out in front. He was rendered insensible, but recovering consciousness managed to get to the electric road where he took a car which brought him to a hospital in Victor, where he remained about three weeks, recovering from his injuries.

About 1.30 a. m., September 2, a guard at the El Paso mine saw three men crawling about the deep shaft, and when he called to them to state their business a shot was fired at him, which he returned, and the three men then fled.

About 2 a. m., September 2, the home of John Dennison was burned. He was a union man, and the fire was attributed to an incendiary.

On September 2 the Cripple Creek Mine Owners and Operators' Association offered a reward of $2,500 for information leading to the arrest and conviction of the person or persons who had set fire to the Sunset-Eclipse shaft house; a reward of $300 for information leading to the arrest and conviction of the person who had assaulted Justice Hawkins; a reward of $1,000 for information leading to the arrest and conviction of the persons who had assaulted and shot Thomas M. Stewart. The Golden Cycle Mining Company, in addition, offered $500 reward for the arrest of Stewart's assailants. These rewards did not have the effect of bringing the guilty parties to justice, though several suspects were arrested.

Members of the Mine Owners' Association requested of Sheriff H. M. Robertson that he appoint deputies of their choosing, and they offered to pay the deputies. With the sanction of the board of county commissioners, he complied with this request and appointed from three to five deputies to guard every mine and mill at which there was a strike. His only stipulation was that these deputies, chosen by the manager of each mine and mill, should be men of good standing in the county, and in appointing them he did not question whether or not they were members of the Federation. However, he rejected a proposition from the sheriff of El Paso County, which adjoins Teller County, to deputize men bearing commissions from the sheriff of El Paso. These special deputies appointed by Sheriff Robertson were paid by the managers of the properties, and these managers also hired other men as guards.

The Mine Owners and Operators' Association endeavored to persuade Sheriff Robertson to call on Governor Peabody for troops to preserve order, but he declined to do so, alleging that he and his deputies were able to deal with the situation. On the afternoon of September 2, 1903, the Mine Owners' Association telegraphed the governor as follows:

> A condition has existed in Cripple Creek which constrains us to call upon you for the preservation of the property, peace, and good order of the district. Ever since the strike of the district was called by the Western Federation of Miners they have pursued the policy of threats and intimidation, to prevent men from going to work on the property, going to the extent of backing their threats by the display of guns.

After reciting the cases of assault during the previous day the telegram said:

> After a thorough canvass of the situation we are absolutely convinced that the sheriff's office is wholly incapable of handling the situation, and that unless you grant us the protection asked this condition will be continued and a reign of terror inaugurated in the district, which will result in a great loss in both life and property. The sheriff has been asked to call for your intervention, but has declined to do so, notwithstanding that his entire force of deputies consists of but two more men than are maintained in times of quiet, and notwithstanding that it is clearly apparent that his office is wholly incapable of meeting the present emergency.

Sheriff Robertson, being interviewed on the evening of September 2, said:

> While we have a little disorder, I think that we can easily take care of it, and, as I have said before, we will appoint any number of deputies that are required to protect life and property. To-day I appointed the following additional deputy sheriffs: J. Knox Burton, Nicholas Williams, Richard Carr, John O'Brien, and Daniel Connelly. The entire force is employed in trying to get the men who assaulted Stewart, as well as Hawkins. We have one arrest, Ed. Minster, and I am confident that within the next few days all of the parties who have been guilty of the recent offenses will be behind bars. I have not called on the governor for any assistance. From the present state of affairs I do not think that it will be necessary. If the militia is brought in, it will be when I am unable to control the situation, and that time has not yet arrived.

Sheriff Robertson himself was a member of the Western Federation of Miners, to which belonged also other of the civil officers in the Cripple Creek district.

On September 2 Charles H. Moyer, president, and W. D. Haywood, secretary-treasurer of the Western Federation of Miners, issued a lengthy address to the public, in which they said:

> Under the moral code which governs labor organizations, the mills of Colorado City were declared unfair, and as the mill men of Colorado City were a part of the same national organization as the miners of the Cripple Creek district, the miners could not conscientiously defile and dishonor the most vital principle of their organization by mining ore for mills that denied the right of their brothers to organize for self-protection.

On the evening of September 2, the following statement was issued by the executive committee of the miners' union in the Cripple Creek district:

> The executive committee desire to say that they deplore the outrages perpetrated upon Mr. Thomas M. Stewart and Mr. John T. Hawkins on Tuesday, and the committee further state that they realize that outrages of this character will be charged to the union, no matter if perpetrated by irresponsible outside parties.
>
> The committee will not countenance any lawlessness, knowing that this is the greatest harm that can possibly happen to the union cause. They realize that the unions have all the best of the strike and they earnestly caution and implore the union men to encourage no lawlessness, no matter what the provocation may be from the other side.
>
> The committee positively disclaims that any unions of the district are in any manner, directly or indirectly, implicated in the promotion of the assaults to which reference has been made.
>
> EXECUTIVE COMMITTEE,
> *District Union No. 1, Western Federation of Miners.*

The executive committee of the Citizens' Alliance of the Cripple Creek district issued a statement on September 2, not calling for troops, but setting forth the object for which it was organized. It mentioned that this branch of the alliance was formed August 27, and though not a week old, it already had a membership of 500.

Mayor F. D. French, of Victor, sent the following telegram to the governor September 2:

> CRIPPLE CREEK, COLO., *September 2, 1903.*
>
> His Excellency JAMES H. PEABODY,
> *Governor of Colorado, Denver, Colo.:*
>
> I believe the conditions existing in the Cripple Creek mining district are of such a nature that the presence of State troops is necessary for the preservation and protection of life and property, and I trust you will comply with the request of the citizens and property owners of the district for troops.
>
> F. D. FRENCH,
> *Mayor City of Victor.*

On the next day Mayor French sent another telegram, as follows:

VICTOR, COLO., *September 3, 1903.*

His Excellency JAS. H. PEABODY,
Governor of Colorado, Denver:

There is in and near the city of Victor, Teller County, Colo., a body of men acting by force and violence to resist and break the laws of the State, and a riot and violence and bloodshed and destruction of property are seriously threatened and are imminent. The sheriff and other peace officers are utterly unable to preserve order and protect lives and property. I therefore request and demand that you send the National Guard of Colorado to this city and community immediately, for the purpose of protecting the lives and property of the citizens of this community.

F. D. FRENCH,
Mayor City of Victor, Teller County, Colo.

On September 3 President Moyer, of the Western Federation of Miners, presented to Governor Peabody a petition signed by himself, requesting that troops be not sent to the Cripple Creek district. The petition said in part:

Since that time (the commencement of the strike) every act of the miners' union has been for the maintenance of peace and good order, and there is not an individual in the organization in the Cripple Creek district who will not in the most peaceful manner submit to arrest by the weakest and most timid officer of the law. We might go further and say that any officer of the law in the Cripple Creek district can alone go to a number of men who are out on strike and say to them that they are under arrest for the violation of any law of this State and they will accompany him at once and submit themselves to be dealt with according to the forms of law.

Furthermore, if there is any man or men in the Cripple Creek district who will not obey the commands of lawful authority, the citizens of the Cripple Creek district who are members of the Western Federation of Miners will, upon the request of any officer, assist him in enforcing the law to the fullest extent. Even if there should be an isolated case of assault or battery in the Cripple Creek district, the unions are not responsible for it, and it will not do to say that the militia is required to suppress lawlessness, because that same argument could be used here and elsewhere in the State, because daily there are assaults and batteries, often murder, committed. * * *

Your excellency has no power to call out the militia unless there is invasion to repel or an insurrection to suppress or the laws of the State to be enforced. What laws can not be enforced according to the regular procedure in the Cripple Creek district as easily and readily as in Denver or any other place in the Union? We submit to you that any and all individuals, wherever they may be, who are clamoring for you to send the militia to the Cripple Creek district can not point to a single instance whereby the law is not and can not be as freely enforced there at this time as anywhere else within the borders of this State.

The communications which Governor Peabody received from the Cripple Creek district decided him to appoint a commission to proceed to that place and investigate conditions, and report whether there was need for troops. On September 3 he appointed a commission composed of Brig. Gen. John Chase, Attorney-General N. C. Miller, and Lieut. T. M. McClelland, who proceeded at once to Victor.

On the night of September 3, Governor Peabody and Adjutant-General Bell held a conference with E. A. Colburn, president, and W. H. Bainbridge, treasurer of the Cripple Creek District Mine Owners' Association. They agreed that if the militia should be called out, the Mine Owners' Association would provide funds for the necessary expenses of the soldiers while they should be in the strike district. Governor Peabody insisted on this as one of the conditions to which the mine owners should accede before he would order out the troops. The agreement was that the adjutant-general should issue certificates of indebtedness against the State, bearing 4 per cent interest and payable in four years. Such certificates should be issued to the soldiers for their salaries and to other persons for supplies, and they should be cashed by the Mine Owners' Association and held until the general assembly should order them paid.

The commission appointed by the governor arrived in Victor on the night of September 3, and held a conference in the Bank of Victor with Mayor F. D. French, Postmaster F. M. Reardon, and other leading citizens. On the same night the commission went to Cripple Creek and held a session at the National Hotel, which was attended by Mayor W. L. Shockey, of Cripple Creek, Sheriff H. M. Robertson, by members of the Mine Owners' Association, and by members of the Citizens' Alliance, but no representatives of the miners' union were examined by the commission. Mayor Shockey refused to sign a telegraphic request for troops, on the ground that no violence had been committed within the limits of Cripple Creek, but he told the commission that he believed that 75 per cent of the miners in the district were ready to return to work if they should be assured of protection, and therefore he favored having troops.

At 4.10 a. m. September 4, the commission left Cripple Creek on a special train. From Colorado Springs the following telegram was sent to the governor, signed by the three commissioners:

PEABODY, *State Capitol, Denver, Colo.:*

Have visited Cripple Creek and Victor, and after careful inquiry among representative citizens and property owners, including mayors of Cripple Creek and Victor, we are of the opinion that the lives of the citizens of the district are in imminent danger and property and personal rights are in jeopardy. Prompt action is imperatively demanded by the above people to protect the lives and property of the citizens. We find that a reign of terror exists in the district. We do not believe that the civil authorities are able to cope with the situation.

From Palmer Lake the commission sent a supplemental telegram, saying: "Our investigation shows that over 800 miners have left the camp on account of the conditions created by the strike." The commission returned to Denver and made a verbal report. The governor, at 11.30 a. m. September 4, issued the following executive order calling out the National Guard:

STATE OF COLORADO, EXECUTIVE CHAMBERS, *Denver.*

EXECUTIVE ORDER.

Ordered: It having been made to appear to me by reputable citizens of the county, by the constituted civil officers, and by the honorable commission appointed by me to investigate the matter, that an insurrection is threatened in the county of Teller, in the State of Colorado, and that there is a tumult, threatened and imminent, and that a body of men are acting together, by force, with attempt to commit felonies and to offer violence to break and resist the laws of this State, and that a number of persons are in open and active opposition to the execution of the laws of this State in said county, and that the civil authorities are wholly unable to cope with the situation:

I, therefore, direct you, in pursuance of the power and authority vested in me by the constitution and laws of the State of Colorado, to direct the brigadier-general commanding the National Guard of the State of Colorado, to forthwith order out the First Regiment of Infantry, together with Company H of the Second Infantry, Col. Edward Verdeckberg commanding, together with the First Squadron of Cavalry, consisting of Troops B, D, and C, also Battery A, and the signal corps and the medical corps of the State, and to prevent said threatened insurrection; and he will protect all persons and property in said county of Teller from unlawful interference, and will see that threats, assaults and all sorts of violence cease at once, and that public peace and good order be preserved upon all occasions, to the end that the authority and dignity of the State be maintained and her power to suppress lawlessness within her border be asserted.

Witness my hand and executive seal, at Denver, this 4th day of September, A. D. 1903.

JAMES H. PEABODY.

To SHERMAN M. BELL,
Adjutant-General of the State of Colorado.

At 4.15 p. m. September 4, a special train left Denver bearing 400 troops to Cripple Creek. Another special train left Denver at 10.30 p. m. Two companies went from Colorado Springs. By September 5 over 1,000 troops were encamped in the Cripple Creek district. The tents of the soldiers were pitched on Battle Mountain, and the encampment was called Camp Goldfield, on account of its proximity to the town of Goldfield. Adjutant-General Sherman M. Bell was in command.

President Moyer, of the Federation, went to Cripple Creek on September 4. Secretary-Treasurer Haywood, in an interview on September 4, said:

There was not the least necessity for sending the militia to Cripple Creek. There has been no violence there for which the strikers can be held responsible. We are discouraging violence on the part of the men, as we have always done. We realize that there is nothing that will lose our contention for us so quickly as violence. Mr. Moyer wishes to be on hand to watch developments. He will simply encourage the men in holding out for their rights.

The governor would have served the interests of the State to better advantage had he called an extra session of the legislature to pass an eight-hour law.

By a unanimous vote of the county commissioners of Teller County, on September 4, the following statement was issued:

Whereas the board of county commissioners of Teller County have been advised that the governor of the State of Colorado has sent the militia to this county for the pretended purpose of suppressing a riot that does not now and that never did exist, and to protect property and individual residents of the county that are not in danger; and

Whereas it has been falsely reported throughout the State that property and life were in danger in Teller County: Now, therefore, the board of county commissioners of Teller County do protest—

First. That property and individuals are as safe in this county as elsewhere in the State.

Second. That the sheriff of Teller County is perfectly able to handle the situation here, and has been authorized by the board to employ any and all deputies necessary to protect property and life, which, in the opinion of the board, he is doing.

Third. That there has been no unusual assembly of men and no more violence than at other times. That the parties guilty of the late assaults will be apprehended by the civil authorities and prosecuted. The State troops can in no way aid in apprehending these parties.

Fourth. That the citizens of the county are law-abiding and are doing all in their power to avoid trouble.

Fifth. That the governor of this State, without cause therefor, has sent the militia to this county, and by so doing engenders ill-feeling, prolongs the strike, and does a great injury to the Cripple Creek mining district.

Sixth. It is the judgment of the board of county commissioners that the commission sent by Governor Peabody to this county to investigate the strike situation was not sent for an honest purpose, but as a cloak, to cause the people of the State of Colorado to believe that the law officers of Teller County were unable to handle the strike situation.

This statement is made because the commission sent by the governor did not make an honest investigation of the situation. The commission reached here at 9.30 p. m. Thursday and left at 4 o'clock Friday morning, remaining in the camp less than eight hours.

Sheriff H. M. Robertson issued a statement, September 4, 1903, saying in part:

I was with the commission about two hours and fully explained the situation. I stated to the commission that I had authority to employ all the deputies I needed, and that I had the situation in hand; that I had made arrests and was going to make more. * * * I believe that there is no occasion for the militia here, as I can handle the situation. * * * The sending of troops here is a usurpation of authority on the part of the governor.

The executive committee of District Union No. 1 of the Western Federation of Miners issued a statement September 4, saying that the commissioners sent by the governor "did not meet any of the representatives of the Western Federation of Miners, neither did they intimate any desire to hear the Federation side of the present difficulty." The executive committee issued another statement September 5, saying: "The committee further challenges any person to show in the whole history of strikes in the United States any one strike of the same proportion, and in which the number of men involved was as large as in this one, where as little lawlessness has occurred as there has been in this district during the present strike."

Attorney-General N. C. Miller, being interviewed September 6, was reported in the Denver Republican to have said: "I went up to the Cripple Creek district very much against bringing the troops there, but when I left I was convinced that the troops ought to be sent. We had people before us who testified to various things and showed plainly that the troops were needed in the district."

Being asked if there was much disturbance in the district, the attorney-general replied: "Disturbance? I should say not. In fact, it was the greatest exhibition of peace I ever saw. Everybody must have been 'under cover,' for the streets were as quiet as on Sunday in Denver. But that is not the point. There was likely to be trouble from what we gathered from those summoned before us, and that is why the troops were sent."

A statement was signed, September 5, by five members of the city council of Victor, viz, John Tobin, H. Healy, Dan Griffin, Jerry Murphy, and J. H. Williams, who stated that T. D. Foster, another councilman, would have signed it had he been present. The statement follows:

As members of the city council of the city of Victor we take this opportunity to express our condemnation of the recent action of F. D. French, mayor of the city of Victor. He has willfully misrepresented the conditions existing in this city and we are informed has as willfully misrepresented the desires of the citizens. He left the council chamber, when the council was in session, to meet the advisory committee without asking for an expression from any member of the council as to whether his contemplated action would meet their approval. His action was taken wholly upon his own motion and without the knowledge or consent of any member of the council. We condemn it now and would have condemned it then had we known his intention.

The conditions he represented do not exist and have at no time existed. The laws of the State and the ordinances of the city are and have been lived up to and respected by the citizens and property owners and fully enforced by the officers of the law.

On the afternoon of September 5, 1903, a mass meeting of citizens was held at Victor. Frank P. Mannix, county clerk, a member of the International Typographical Union, nominated J. E. Ferguson, an attorney, for chairman. Being chosen chairman, Mr. Ferguson said, in part:

> Last night, while the community was asleep, this body of armed men were unloaded in our midst. Up to this hour, I am informed, they have not officially made known to the sheriff or any other officer that they are here. Why are we thus afflicted? Why this array of soldiery and munitions of war? It is said that the governor of this State has sent them here and that he has been notified of the existence of that necessity. What peace officer has called for the aid of the State militia? I hear the name of Mayor French, of Victor, mentioned. * * * His authority as an executive officer extends only to the limits of his municipality. If there exists in his jurisdiction a necessity for troops, why has he not had them sent to Victor? Not a single soldier is stationed within the city limits, or, so far as I am informed, in any other city of the county. Your sheriff has called for no militia. He has need of none. * * * In the four years that I have resided in Teller County I have not seen three consecutive weeks that were fraught with as little violence, as little disturbance, as little breaking of the law, as the past three weeks have been.

Frank P. Mannix also made a speech, after which resolutions were adopted, in part as follows:

> Two comparatively trifling incidents of lawlessness have occurred in the whole camp since the miners' strike was ordered, but all fair-minded people will agree these will happen at any time and place. We deprecate the strike that is now on, and upon this occasion do not want to go into the merits of the unfortunate controversy, but we do wish to express our confidence in the ability of our county and city officials to maintain law and order and protect life and property.

A mass meeting of the citizens of Cripple Creek was held on the afternoon of September 7. Frank J. Hangs, an attorney, was chosen as chairman, and he made a speech, followed by J. M. Brinson, Eugene Engley, J. J. Mosier, and J. C. Denny, after which resolutions were adopted similar to those which had been adopted in Victor on the previous day. Each set of resolutions was signed by over 1,000 people and was forwarded to Governor Peabody.

On September 8, 1903, work was resumed in a number of mines. On September 9, 12 mines were being operated and 376 men were employed. Several members of the Mine Owners and Operators' Association announced that in the future they would refuse to treat with anyone belonging to the Western Federation of Miners unless he would renounce further connection with the association. The

Mine Owners and Operators' Association issued a statement September 8, in part as follows:

> Our mines will be operated as rapidly as new men can be secured and our success in this direction has exceeded our expectations. In fact, we anticipated a little difficulty in securing a complement of men within a reasonable time. If our old employees will not go to work, we will secure men elsewhere. We have canvassed the situation carefully and find that this will not be a difficult task, for our wage scale is high and the hours of labor short. * * *
>
> One thing we wish to announce most emphatically, and that is the unsatisfactory labor conditions which have disturbed our mining operations for the past few years must be remedied. These conditions have been brought about by the methods of the Western Federation of Miners and the character of its leaders, both of which are inimical to the rights and obligations of the employer and employee alike. This fight will not be over until the pernicious influence of this organization is swept from the district, for as long as its influence exists that harmony between employer and employee which is necessary to bring the best results to both is wanting.

On September 9 the executive committee of the Citizens' Alliance of the Cripple Creek district adopted the following resolutions:

> *Resolved by the Citizens' Alliance of the Cripple Creek district*, That we heartily approve the action of Governor Peabody in ordering the State troops to the Cripple Creek district for the purpose of maintaining peace, and we believe this is the most effectual means of stopping the crime of which we have already had several instances, and from which the majority of the citizens of this district have been in constant fear and dread, and the like of which has brought shame and disgrace on honest unionism in this county; and whereas the Citizens' Alliance believes in maintaining law and order, to the end that the peaceful and honestly inclined employers and employed may attend to their business without hindrance or molestation; Therefore, be it
>
> *Resolved*, That we, the members of the Citizens' Alliance of the Cripple Creek district, through its executive committee, heartily indorse the action of Governor Peabody in sending troops into our midst to assist the civil authorities in controlling the lawless classes, so that those miners, or others who may wish to earn an honest living, may do so without being subjected to assault and outrage: And be it further
>
> *Resolved*, That we extend to the governor our congratulations and assurances of aid and support in the industrial crises in our district.

By September 10, 1903, guards of soldiers were stationed practically all over the district at all large mines where union men were out on strike and on the public highways.

CHAPTER XIX.

CLASH BETWEEN MILITARY AND CIVIL AUTHORITIES.

On September 10, 1903, Charles G. Kennison, president of Cripple Creek Miners' Union No. 40, and one of the leading members of the executive committee of District Union No. 1, Western Federation of Miners, had an altercation with a nonunion miner named J. E. Sturdevant. They met on a coach of the Florence and Cripple Creek Railroad and engaged in an argument about nonunion men taking the places of striking union miners. Kennison, calling Sturdevant a liar, was struck in the face by the latter. Thereupon Kennison drew a revolver, but it caught in the bell rope, and Sturdevant struck him again. Kennison was arrested by Under Sheriff Gaughan and was charged with assault with intent to kill.

When the altercation became known to Adjutant-General Sherman M. Bell, he ordered a detail of 5 men, and later a company of 31 infantrymen and 12 cavalrymen, to arrest Kennison and bring him to military headquarters. The soldiers searched the union hall, but not finding Kennison, and learning that he had been arrested and was in the county jail, they did not interfere. On September 11 Kennison gave bail for $500 and was released.

Governor Peabody, being interviewed on September 10, admitted sending a telegram to Adjutant-General Bell, and said, as reported in the Rocky Mountain News:

> I don't care to say just what the telegram was, but you may be certain of one thing, and that is that no prisoner will be taken from the sheriff of Teller County, and I am inclined to think that no further attempt will be made.
>
> Martial law has not been established in Cripple Creek, and it will not be. Under this condition, all that General Bell is supposed to do is to assist the civil authorities in preserving peace and order, and that is all that he will do.
>
> I don't know whether General Bell had a right to take the prisoner or not. That is a technical question, and you will have to ask somebody else to find out about that. But I know that he hasn't taken this prisoner and that he won't take him.
>
> I see no need for any talk of martial law, anyway. It is foolishness, pure and simple. Everything seems to be quiet there, and unless the miners are irritated everything will probably pass off quietly.

The first arrests made by the militia were on September 10, 1903, when Charles Campbell, H. H. Kinney, and three other men were arrested and confined in the old jail at Goldfield. This jail was an old wooden building, with a high stockade about it, and when used as a military prison it became known as the "bull pen." (*) The five men were held on the ground of military necessity. No charges were filed against them, but they were alleged to have made threats against the militia and individual citizens. On September 11 James Lafferty, one of the union leaders, was also arrested by the militia.

About 1 a. m. on September 12, a squad of 7 soldiers visited the home of Sherman Parker, secretary of Free Coinage Miners' Union, No. 19, entered his house, presented their guns, and compelled him to dress and to accompany them to Goldfield, where he was placed in the "bull pen." On the night of September 13, a detail of 2 officers and 20 men marched to the hall of the miners' union at Victor. The men formed a hollow square in front of the hall, while the two officers went upstairs in search of William B. Easterly, a former president of the Free Coinage Union. The officers did not enter the hall where the union was holding a meeting, but only the anteroom. Being informed that Easterly was not present they departed. The arrest of Sherman Parker and the visit of the soldiers to Miners' Union Hall caused a great deal of excitement among union men.

On September 12 the executive committee of District Union No. 1 issued a statement, saying that several members of the Western Federation of Miners had been arrested by the soldiers, "and in no case have any charges been preferred against them."

On September 12 a statement was issued by the executive committee of the Mine Owners and Operators' Association. It emphatically denied reports that the executive committee of the association had been in communication with the strike leaders looking to a settlement of the strike. It further said: "If this strike has to be settled through the Western Federation of Miners or agitators, who have brought about the present deplorable condition in the district, and thrown thousands of men, willing and anxious to work, out of employment, it will never be settled."

Charles Campbell, H. H. McKinney, Sherman Parker, and James Lafferty applied to Judge W. P. Seeds, of the district court, for writs of habeas corpus. On September 14 Judge Seeds granted writs, directing Adjutant-General Bell and Brigadier-General Chase to produce the four prisoners in court or give reasons why they should not do so. The writs, which were made returnable on the 18th instant, were served by Sheriff H. M. Robertson.

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* A "bull pen" is a western idiom for a guardhouse or a military prison. The militia in the Cripple Creek district confined prisoners in buildings or large halls.

On September 14 W. C. Reilly, the justice of the peace at Independence, an old union miner and a sympathizer with the strikers, was arrested by the militia and placed in the "bull pen." No charges were filed against him. He was released the next day.

On September 14 22 militiamen visited the home of P. J. Lynch, chairman of the board of county commissioners, and arrested him and brought him to Camp Goldfield. General Chase charged him with making speeches against the militia and advising the strikers not to return to work. Mr. Lynch denied that he had said anything derogatory of the militia, except to condemn as an outrage the visit of soldiers to Miners' Union Hall when searching for William B. Easterly. General Chase then released Mr. Lynch, at the same time warning him if he should make any more statements against the militia, or advise the strikers not to return to work, he would be rearrested and imprisoned.

Mayor F. D. French, of Victor, who had petitioned Governor Peabody to send troops to the district, received a number of threatening anonymous communications. One received by him on September 12 read as follows:

> Mayor French. Your time is short. Clean up your business, for *death* awaits you within *three days.*
>
> Committee.

Generals Bell and Chase found that to guard all of the mining properties would require more men; consequently Governor Peabody ordered out two more companies of soldiers [illegible] serve in the district.

Governor Peabody, being interviewed on September 14, was reported to have said:

> There is no martial law in Cripple Creek and there will be none. General Bell was sent there to aid the civil authorities in maintaining law and order. If the civil authorities refuse to do this, the military will do it. That is the instructions which General Bell has. He now has force enough to do this, and no more troops will be ordered out. I do not know that any men have been arrested or thrown into the bull pen by the military authorities—that is, officially. For this reason I know of no reason why I should remove General Bell, and I am not even considering his removal.

Attorney-General N. C. Miller, being interviewed on September 15, was reported to have said:

> General Bell must honor the writs of habeas corpus served on him. He can not go behind the constitution of the State. We do not need the protection of the United States Constitution in this case. Our own constitution is protection enough, and it provides that the writ of habeas corpus can never be suspended, "unless, when in case of rebellion or invasion, the public safety may require it." None of these cases exist now, and even if they did General Bell would not be the one to decide whether or not public safety demands the suspension of the writ. Even the governor could not do that.

On September 17 about 70 "strike breakers" arrived at Cripple Creek, and afterwards many more arrived there, which led to the resumption of work on a considerable scale in many mines.

On September 19 the sheriff and his deputies sought to serve capiases upon two members of the National Guard. One was C. G. Kennison, who had failed to appear before a justice of the peace for the trial of the case against him for assault with intent to kill and carrying concealed weapons. The other one was Lieut. Gus Hartung, whose company escorted a number of workmen from Cripple Creek to the Independence mine. One of these workmen, a Dane, broke away from the others, and called to his countrymen in the Danish language not to go to work, but to go with him. The captain of the company ordered Lieutenant Hartung to arrest the man. This the lieutenant attempted to do. The man started to run when the lieutenant fired at him. The Dane went to the office of Deputy District Attorney J. C. Cole, related the circumstances through an interpreter, and made an affidavit charging Hartung with assault with intent to kill. The deputy district attorney then filed a direct information in the district court, charging Hartung with assault with intent to kill, and a capias was placed in the hands of Sheriff H. M. Robertson.

The military officers determined not to permit civil officers to serve civil or criminal processes upon members of the National Guard while on duty. Sheriff Robertson and his deputies were not allowed to enter the military camp, and passes which had been issued to them to enter the lines were canceled. This action of the militia was based on section 15 of chapter 63 of the session laws of 1897, as follows:

> SECTION 15. No person belonging to the military forces of the State shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend to military duties.

On September 19 the soldiers arrested A. A. Frye, assistant manager of the union store at Victor. He was released the next day, after being informed that he was talking too much for the purpose of keeping the strike going.

The habeas corpus cases of Charles Campbell, H. H. McKinney, Sherman Parker, and James Lafferty were called in the district court September 18, 1903. The petitioners were represented by Eugene Engley, ex-attorney-general of the State, and John H. Murphy, and the militia by the acting judge-advocate, Lieut. Tom E. McClelland. The reply of Adjutant-General Bell to the writs was that the petitioners had not been in his custody at the time the writs were granted or since then. For a return to the writs Brigadier-General Chase acknowledged that the petitioners were in his custody, but set forth the order of the governor in calling out the National Guard as a justification for their arrest and detention. For a further return he alleged that proceedings were in course of preparation against them. The counsel for the petitioners moved to quash the return. The court set the hearing of the motion on September 21.

On the morning of September 21 Lieutenant McClelland requested permission to file an amendment to the return, setting forth that the arrest and detention of the prisoners had been the result of the judgment of the commanding military officer in putting into effect the order issued by the governor placing troops in the field. Judge Seeds granted this permission, but decided that it was imperative that the petitioners should be produced in court.

On the afternoon of September 21, about 90 cavalrymen marched through Cripple Creek, surrounded the court-house and picketed it, permitting no person to pass through the lines unless he were an officer of the court, a member of the bar, a county official, or a press representative. A company of infantrymen escorted the 4 petitioners to the court-house, and 14 soldiers entered the building and with loaded guns and fixed bayonets guarded the petitioners until the court was called to order. When court was called to order the soldiers took seats and removed their hats, which was construed as a submission to the court. After argument upon the motion to quash the return the court adjourned until September 22, and the soldiers took the prisoners back to the "bull pen."

On the morning of September 22, Judge Seeds adjourned court because the prisoners were not present. General Chase was ordered to have them in court at 2 o'clock in the afternoon. When that hour arrived Lieutenant McClelland, advocate-general, did not appear in court, and the prisoners had not been produced. A continuance until the following day was granted.

On September 23 a large number of soldiers, cavalry and infantry, again surrounded the court-house. A Gatling gun was placed in position near the court-house, and a detail of sharpshooters was stationed on the roof of the National Hotel, commanding streets leading to the court-house. Thirty-four armed soldiers brought the prisoners into court. On the opening of court, Eugene Engley stated that the court was no longer a constitutional court, but an armed camp. He refused to proceed with the military present and left the court-room, followed by John H. Murphy, the other attorney of the petitioners.

The counsel for the military, S. D. Crump, addressed the court as the representative of the governor. Being asked whether martial law was in effect in Teller County, he replied: "Yes, your honor. A qualified state of martial law was declared, not because men had been killed, nor because a state of insurrection existed, but because the peace of the community was seriously threatened." The attorney maintained that the governor had the right to order troops to any district, whether or not they were requested by the civil officers. He also maintained that the governor had a right to proclaim martial law. He also disputed the right of the court to issue writs of habeas corpus in the pending cases. On adjournment of court the prisoners were returned to the "bull pen" at Camp Goldfield.

On September 24 the militia was again stationed about the court-house and 30 soldiers, under the command of General Chase, entered the building. Judge Seeds decided the cases in favor of the petitioners. The following is quoted from his opinion:

> The importance of the questions involved can not be overestimated. They embrace not only the power and authority of the commander of the military forces of the State over the freedom of the citizens in times of local disturbances that may more or less imperil life and property, but also the very fudamental principles of American liberty.
>
> It is claimed of the executive order upon which the acts of the respondents are based, that it was made to appear to the governor by reputable citizens that "an insurrection was threatened in Teller County."

The court then cited the petition of the citizens and civil officers to the governor and continued:

> It will be noticed that no open act of violence is stated in the order; whatever violence is complained of is all in the future. Crime and violence are imminent, it is alleged, but they are not alleged to have been committed except that an inference might arise that violation had been attempted upon the statement that "the civil authorities are wholly unable to cope with the present situation."

The opinion further said:

> That the case presented by the petition required that a writ of habeas corpus should issue as prayed admits of no question. The question is, does the executive order, admitting all that it recites as the basis for it to be true, and that General Chase arrested and detained the prisoners by virtue of that order, constitute a justification for the act?

The court then entered into an examination of the habeas corpus law, and cited the constitution of Colorado, which declares that the military shall always be in strict subordination to the civil power. The court said this did not specify sometimes, but always, and declared:

> There could be no plainer statement that the military should never be permitted to rise superior to the civil power within the limits of Colorado.

The court admitted that the military commander, when called into the field by the governor in an emergency, had the right to make arrests, but declared that the persons arrested must be turned over immediately to the civil authorities. In closing, the court commented in the presence of the militia as follows:

I can not close without reference to the military display committed within the hearing of this case. It was offensive to the court, and in its opinion unwarranted and unnecessary; nevertheless I tolerated it because it was by the National Guard. If I had insisted upon its withdrawal a conflict would probably have arisen, with the entire National Guard upon one side and a mere posse comitatus upon the other.

The court ordered that Sherman Parker, James Lafferty, H. H. McKinney, and Charles Campbell, relators, "be discharged from custody, as in their respective petitions prayed." General Chase arose and, saluting the court, said: "Acting under the orders of the commander-in-chief, I must at this time decline to obey the order of the court." The court adjourned, and the prisoners were taken back to the "bull pen," but later in the day General Chase, acting on instructions telegraphed by Governor Peabody, released the four prisoners.

On September 25 habeas corpus proceedings were begun in the district court for the release of C. G. Kennison and three other persons who had been arrested and confined by the militia. On that day Joe Lynch, city marshal of Independence, was arrested, and on the next day William Dodsworth, president-elect of the Victor Miners' Union was arrested, both being taken to the "bull pen." The cause of their arrest was not stated. September 28, Robert Murphy, vice-president of the Victor Miners' Union, and Peter McCloud, a member of the same union, were arrested. The militia continued to make arrests, but released each of the prisoners after a short confinement.

On the night of September 29, the militia arrested the working force of the Victor Record. The Record was a morning paper and was the local organ of the Western Federation of Miners. It had published the official statements of the Federation and had criticised actions of the militia. The specific charge on which the arrests were made was the statement in the paper that one of the members of one of the military companies was an ex-convict. A detail of 25 infantrymen and 20 cavalrymen marched to the printing office and arrested the editor, George E. Kyner, and 4 employees—all that were in the office at the time—and took them to the "bull pen." The business manager and the pressman came to the printing office after the arrests had been made. Mrs. Emma F. Langdon, a linotype operator, was summoned and came to the office in the middle of the night. The doors of the office were barricaded and entrance was refused to a military guard which demanded admission. The paper was printed by 3 a. m. and was distributed as usual. Mrs. Langdon is the wife of one of the linotype operators who was arrested, and is the author of a history of The Cripple Creek Strike, a book of 248 pages, issued in the spring of 1904. Under orders from Governor Peabody, the five men who had been arrested were turned over to the sheriff on the evening of September 30. Informations charging them with criminal libel were filed against them, but they gave bonds and were released.

On October 1 capiases were issued from the district court for the arrest of Generals Bell and Chase, upon information filed by the district attorney, Henry Trowbridge, charging them with making unlawful arrests in arresting Sherman Parker and others. A deputy sheriff attempted to serve the capiases, but General Bell refused to accept service, and announced that no civil officer would be allowed to serve any civil process from any court in the State upon any officer of the National Guard while on duty under order of the governor. This position in regard to the immunity of military officers from arrest while on military duty was sustained in an opinion given out by the attorney-general of the State, N. C. Miller.

By October 10 the estimated number of men employed in all departments of the mines in the Cripple Creek district was estimated at 2,900. This included about 500 union men at work at the big Portland mine and about 700 union men working at other mines that were considered fair.

On October 13, soldiers to the number of 716, men and officers, were on duty in the Cripple Creek district, 430 having been relieved from duty since the beginning of the strike. On that date Governor Peabody ordered the withdrawal of all in excess of 525. On October 29 the governor ordered a further reduction, and after that date only about 200 soldiers remained in the district.

On September 30 Charles Moyer, president of the Western Federation of Miners, addressed a communication to C. M. MacNeill, manager of the United States Reduction and Refining Company at Colorado Springs. President Moyer suggested an amicable adjustment of the strike, which had first begun against this company and which had caused a sympathetic strike of miners. He said in part:

> I am at this time, as I have been in the past, ready and willing to do anything in my power to bring about an honorable adjustment. Realizing that it is in the power of your company to restore almost fully normal conditions in the mining industry in the State, I can assure you of my willingness to confer with yourself or representatives of your company at any time for that purpose.

Manager MacNeill declined to enter into a conference with President Moyer, saying in part:

> Without, therefore, in any way modifying our position, often expressed, that we are at all times willing to meet our employees, or a committee representing them, to consider any grievance that they may have, it occurs to us that inasmuch as no such request has come from any quarter and that you could not presume to represent our employees, we fail to see what could be accomplished by such an interview as you suggest.

CHAPTER XX.

ATTEMPTS AT TRAIN WRECKING AND FATAL EXPLOSION IN THE VINDICATOR MINE.

On September 14, 1903, E. E. Hartman, superintendent of the electric division of the Colorado Springs and Cripple Creek District Railroad, reported to the military authorities that during the previous night a number of spikes on the outside rail at the sharp curve near the Economic mill had been removed. Should a car leave the track at this place, its occupants would probably be precipitated into the bottom of the gulch, 300 or 400 feet below. The first car in the morning was usually loaded with miners, but the removal of the spikes was discovered by the track walker before the first trip in the morning. Two months later there were other attempts at train wrecking, and in the trial which followed, H. H. McKinney admitted that he had made this attempt and with others had made the later attempts.

On the night of November 14, 1903, an attempt was made to wreck a train on the Florence and Cripple Creek Railroad. The track walker discovered that the spikes had been removed for two rail lengths on a curve near Anaconda. This discovery was made in time to give warning to the engineer of a train carrying a party of business men and their wives, who were returning to Cripple Creek from a military ball at Victor. On the night of November 16 a similar attempt at train wrecking was made at another curve near Anaconda, on the same railroad. Spikes on the outside rails and fish-plate bolts were removed. This discovery was made by a track walker in time to give warning to the engineer of a train carrying 100 or more persons, mostly nonunion miners.

H. H. McKinney was charged with the crime of attempted murder in loosening the rails and was arrested. McKinney had been a member of the Western Federation of Miners, but was not in good standing, being a delinquent member. In December, while he was in jail, he made a written confession to D. C. Scott, a detective for the railroad company, and K. C. Sterling, a detective for the Mine Owners' Association. In this confession McKinney charged that Sherman Parker, W. F. Davis, and Thomas Foster, all prominent union men, were active participants or accessories before the fact in the two attempts at train wrecking on the nights of November 14 and 16. Shortly after making this confession McKinney made another written confession. In this second confession, made to an attorney, F. J. Hangs, he stated that his first confession, implicating Parker, Davis, and Foster, was false; that for making the first confession he had been promised immunity from punishment, and also $1,000, and transportation for himself and wife to any part of the world he might wish to go; that he believed the detectives had tried to clear their own skirts by getting him to make such a confession. McKinney also wrote a letter to his wife, afterwards adduced in evidence, making statements in accordance with his second confession, and also saying that he did not know who attempted to derail the train.

The trial of Parker, Davis, and Foster, charged with attempted murder, took place in the district court in February, 1904. Judge R. E. Lewis presided. The jury was selected from a special venire of 80 men, all of them ranchmen or timbermen and nonunion men. The first witness was H. H. McKinney, who turned State's evidence. He admitted that he had attempted to derail a train on the Colorado Springs and Cripple Creek District Railroad on the night of September 13; that he had attempted to derail a Florence and Cripple Creek train on the night of November 14, and that two nights later he made another such attempt. He testified that in the two latter attempts he was assisted by Thomas Foster. On cross-examination he testified that he had formerly been a prize fighter, and that he had come to Cripple Creek under an assumed name. He further testified that for $250 he would wreck a train carrying 200 to 300 people, but that he had asked $500 for this job, as another man would have to work with him, and that Scott and Sterling had promised him that amount.

The next witness was Charles Beckman, who testified that he was a native of Germany; that his right name was Herman Neumeister; that he had arrived in New York five years previously; that since December, 1902, he had been employed by Thiel's Detective Agency, of Denver; that he had joined the Western Federation of Miners at Murray, Utah, on April 17, 1903; that he had come to Cripple Creek and put his card in Victor Union, No. 32. He further testified that by messages, which he sent once and sometimes twice daily, he kept K. C. Sterling, in the employ of the Mine Owners' Association, posted as to the progress of the plot to derail a train.

K. C. Sterling, being placed on the stand, admitted that he was employed on secret work by the Mine Owners' Association, and that he and Beckman and Scott had concocted a plot to induce members of the miners' union to derail a train.

D. C. Scott testified that only two men, Beckman and McKinney, tampered with the rails and spikes, and that on the night of November 16 he (the witness) and Sterling were in an assay office near the scene of the attempted derailment for two hours, afterward going outside and being within 50 feet of Beckman and McKinney. He also testified that some man passed them on the track but no words were exchanged, and that W. F. Davis and Sherman Parker were accessories, lending him money and tools. He further testified that in the attempt on the night of November 16 he was accompanied by Charles Beckman, a detective of Thiel's Detective Agency, who was employed by the Mine Owners' Association; that he (the witness) and Beckman picked out the place for derailing the train; that Beckman pulled spikes from the rails while McKinney pulled burrs off the fish plates with a wrench.

W. W. Rush, an engineer on the Florence and Cripple Creek Railroad, testified that he had been approached by D. C. Scott, a detective for the Denver and Southwestern Railway, who asked him where there was a good place for derailing a train.

The State resting its case, the defense moved that Thomas Davis, one of the defendants, be discharged, on the ground that no incriminating evidence against him had been adduced. With the consent of the prosecution Judge Lewis promptly discharged Davis. It was agreed also that the charge against Foster for the attempt at derailing on the night of November 16 be stricken out.

The first witness for the defense, V. W. Mather, a butcher, swore that on the night of November 16 he passed along the Florence and Cripple Creek road and saw Scott and another man at work on the track where the attempt at derailment was made; that they asked him if he were a union man; that he replied that he was, and that they allowed him to proceed.

The evidence introduced by the defense was intended to show that members of the miners' union had no part in the plot to derail a train; that it was concocted and executed by detectives employed by the Mine Owners' Association; that the object of the association was to induce President Roosevelt to send Federal troops to the district, and that Detective Beckman had endeavored to persuade members of the union to join in the plot. The defense examined a large number of witnesses, some of whom testified that Beckman had endeavored to persuade them to commit acts of violence to win the strike. Others testified to prove alibis for Thomas and Parker.

The defendants Thomas and Parker were acquitted. The only other train-wrecking case was one against McKinney. His bail had been reduced to $2,000, and an attempt was made to get him out of jail on bond, S. A. Phipps and Edward Bell (who became sheriff after Sheriff H. M. Robertson was deposed, the following June) signing the bond, but Judge Lewis ordered the sheriff not to approve the bond, expressing the opinion that McKinney was guilty, as shown by his own and other testimony, and that he ought to be in the penitentiary. At the same time Judge Lewis increased the bond to $5,000. Several weeks afterward the district attorney, Henry Trowbridge, nolled the case against McKinney. On his release a complaint was filed against him, charging him with perjury in the train-wrecking case. He was released on $300 bond, furnished by S. D. Crump, attorney for the Mine Owners' Association, and W. M. Bainbridge, superintendent of the El Paso mine.

Charles H. McCormick, superintendent of the Vindicator mine, and Melvin Beck, a shift boss, while on the cage descending the shaft of the mine on the morning of November 21, 1903, were almost instantly killed by an explosion at the 600-foot level, where no work was being done. The executive committee of the Mine Owners' Association issued a statement charging the crime against the Western Federation of Miners, and offering a reward of $5,000 for evidence leading to the arrest and conviction of the perpetrator. The executive committee of the district union of the Western Federation of Miners issued a statement attributing the explosion to an accident.

On November 22 the military authorities arrested about 15 men charged with being principals or accessories in the crime. The coroner's jury, composed of 6 men, some of them union men and some nonunion men, returned the following verdict, signed by all: "From examination made at the mine and the evidence introduced, this jury is unable to determine the exact cause of said explosion." E. Lyman White, State commissioner of mines, in an official report, said that the death of the two men "was caused by deliberate intent on the part of some one unknown."

Members of the Mine Owners' Association were free in attributing the crime to members of the Western Federation of Miners, but no evidence implicating any person was ever found and all the persons arrested on the charge of causing the explosion were released. At the time of the explosion the mine was under guard and only nonunion men were employed. No union man was allowed to enter the mine by the shaft. The 600-foot level might have been reached through some of the other openings to the mine. These openings, which were unused, were searched, but no evidence was found that anybody had entered the mine through them. At the place of the explosion the only clews found were a shattered pistol and several pieces of copper wire. Sheriff H. M. Robertson, Deputy District Attorney J. C. Cole, and employees of the mining company who were working at the mine when the explosion took place made a thorough examination of the premises and were convinced that the person or persons who took the explosives to the 600-foot level did so through the working shaft.

The theory of the Western Federation of Miners was that the owners of the mine wanted an explosion to affect public sentiment, and that McCormick and Beck planned for an explosion without loss of life, but that through some accident they themselves were killed. A pamphlet issued by the Federation answering charges brought against members of the Federation says:

> When the explosion occurred at the Vindicator mine the property was guarded by the State militia, and it was not possible for any union men to have entered the mine. It is evident that McCormick and Beck planned to bring off an explosion, as it was currently reported that the State militia was about to be ordered home and the Mine Owners' Association was against this removal. McCormick and Beck, in planning this infernal machine, made some mistake, which resulted in their death. If the Vindicator cases had come to trial and were not nolle prossed by the district attorney, who is completely controlled by the Mine Owners' Association, indisputable evidence would have been produced to prove that Beck attempted to dynamite a cabin in Lake City that was occupied by five men, against one of whom he had a personal grudge, and also that the same Beck dynamited a mine in order to prevent a successful competitor from obtaining a lease.
>
> In the train-wrecking cases the court records will show that McKinney was a self-confessed criminal, that he was a hired detective of the Mine Owners' Association, and that he was employed for the sole purpose of attempting to wreck a train, and then place the blame on the Western Federation of Miners. By his own confession it was shown that he was promised $1,000 from the Mine Owners' Association and transportation for himself and wife to any part of the world. It was further promised that in case he was convicted of the crime of train wrecking he was to receive an immediate pardon from Governor Peabody. District Attorney Trowbridge, in his statement to the jury, said that there was no possibility of McKinney being saved from the penitentiary, yet, regardless of the statement of the district attorney, regardless of the confession of McKinney convicting himself as the criminal, members of the Mine Owners' Association became his bondsmen to secure his release.

CHAPTER XXI.

STRIKE OF MINERS AT TELLURIDE IN 1903-4.

As previously related, the mill men at Telluride struck September 1, 1903, for a reduction from twelve to eight hours' work per day. This caused a cessation of work in a number of mines. On October 31 about 100 miners in the Tom Boy mine struck because the manager of the mine had started its mill with nonunion men. On November 5 several members of the Mine Owners' Association called upon Governor Peabody and requested him to send troops to Telluride. They declared that they could reopen their mines and mills with nonunion men if they were given military protection from attacks by union men. On November 17 other members of the Mine Owners' Association called on the governor and requested that troops be sent there. They admitted that the situation was peaceful, but declared that they intended to open their mines shortly, and insisted that when the mines were reopened with nonunion miners trouble would be sure to begin immediately.

At the request of the governor, Attorney-General N. C. Miller, Assistant Attorney-General I. C. Melville, Maj. C. F. Randolph, C. F. Hagar, and S. D. Crump visited Telluride to investigate the situation. They reported to the governor that troops ought to be sent there to preserve order. The attorney-general quoted section 3 of article 7 of the National Guard act, chapter 63 of the session laws of 1897, and said in his report:

> This statute provides for two conditions—one where there is in any town a mob, acting with attempt to commit a felony; the next clause goes further and says when such a riot is threatened and the fact is made to appear to the governor, the sheriff of the county or the mayor of the city, the governor may send the troops.
>
> I understand this statute to clothe you with the authority to send troops when a tumult, riot, or mob is threatened. If you believe from all the evidence and documents before you that citizens of San Miguel County can not resume their lawful avocations without the infliction of violence on themselves or their employees or destruction of property from a mob or organization existing in that county, then you will be justified in assuming that a tumult, riot or mob is threatened.

Referring to affidavits accompanying his report, the attorney-general said:

All of the statements referred to, with one or two exceptions, are to the effect that it is impossible to resume mining in San Miguel County without the protection of troops, unless upon terms dictated by the Western Federation of Miners, and urge that the military be sent. However, I leave the consideration of these papers to you, because the responsibility rests upon you of calling out the troops; but I must say, in my judgment, that the petitions and documents on file in your office show the absolute necessity of calling out the troops if mining and other business are to be resumed in that county, unless upon terms dictated by the Western Federation of Miners.

Several of the documents establish that armed pickets have taken possession of property, calling men off and stopping the operations of mills and development. It seems clear from these documents that mining, milling and all kindred business can not be carried on in San Miguel County because of the existence in that county of a lawless element possessed of arms and ammunition. The sheriff reports inability to cope with the situation and asks for troops. Business in the county is practically suspended, and peace, it appears, can be maintained only by continued suspension. The mayor, sheriff and night marshal join in the demand for troops, to aid them in enabling them to protect the citizens in their lawful rights.

On November 18 Governor Peabody appealed to President Roosevelt for troops. On account of a strike of coal miners at Trinidad, the governor apprehended that troops would be needed there as well as at Telluride. He asked for from 250 to 300 Regulars. In an interview he said that his request was based on the fact that the State was without the necessary funds to pay for militia. The President declined the governor's request, but at the same time he detailed Gen. John C. Bates to visit Colorado and report upon the strike situation.

MILITIA ORDERED OUT.

On November 20 the governor ordered troops to Telluride, San Miguel County, to "report to the sheriff of San Miguel County, Colo., to properly assist the said sheriff of said county in the enforcement of the constitution and laws of this State, and in maintaining peace and good order." The governor, in an interview, said that there were no funds in the State treasury to pay for troops, but that certificates of indebtedness would be issued for military expenses. Two troops of cavalry and six companies of infantry, about 500 men and officers, reached Telluride November 24.

Union pickets armed with rifles and revolvers were stationed about the Tom Boy mine and attempted to prevent nonunion men from going to work there. On November 21 deputy sheriffs demanded that 7 pickets surrender their arms. They refused, whereupon 5 of them were arrested, 2 escaping. Six other union pickets and the secretary of the miners' union were arrested by deputy sheriffs November 24.

The president of the union, while visiting these prisoners in jail, was himself arrested November 25. The charge against these men was conspiracy to commit misdemeanor. They were bound over to the district court. On November 30 deputy sheriffs, accompanied by troops, arrested 28 men, mostly foreigners, on the charge of vagrancy. They were tried before a police justice, who fined 18 of them $25 each. Several of those who were fined, to prove that they were not vagrants, showed that they were in possession of money. The police justice offered to suspend the fines if within two days the men should secure work or leave the district. They did not leave and did not secure work, and two days later they were arrested and required to work out their fines.

Maj. Gen. J. C. Bates, U. S. Army, was sent, by order of President Roosevelt, to investigate labor troubles in Colorado. He submitted a report, dated Denver, November 29, 1903, and addressed to Lieut. Gen. S. B. M. Young. The report said in part:

> I find that the disturbances at both Cripple Creek and Telluride amounted to insurrection against the State of Colorado, in that mining, milling, and other business was suspended there by reason of intimidation, threats, and violence, and that the civil officers were not able to, or did not, maintain order.
>
> The militia of the State has been employed, and is now employed at both Cripple Creek and Telluride. I think the employment of the State troops necessary at both these points, and that they are now giving proper protection to life and property. At Cripple Creek work has been resumed at the mines, and at Telluride one mine has resumed operations, and owners inform me they propose to open other mines as rapidly as they can secure workmen. It is probable that military guards will have to be maintained at the points mentioned for some time, but I understand it is the intention to reduce the force as rapidly as circumstances warrant, though, in my opinion, no material reduction can safely be made for some months. At this time United States troops are not needed.
>
> There is an unsettled condition at the coal mines, both in the Trinidid or southern district and the new or northern district, which may develop into such disorder as to require the use of troops. Should this occur while the whole available force of State troops is employed at Cripple Creek and Telluride, which is now the case, I think Federal troops will then be needed. At present, I understand no violence is being offered in the coal districts. But little coal is now being mined in the Trinidad district and none in the northern district. Efforts are being made to increase the output from the former and to open up the northern mines.
>
> I learned of no conditions, such as interference with United States mails, etc., that would make it the duty of the Federal Government to interfere without application from State authorities.

On December 1 the executive committee of the Western Federation of Miners telegraphed to President Roosevelt, urging him to protect the rights of union miners who had been ordered to leave the Telluride district on penalty of imprisonment.

The men who were arrested on the charge of vagrancy and were fined by a police justice instituted habeas corpus proceedings before County Judge J. M. Wardlaw, but on December 7 the judge sustained a motion to quash such proceedings.

On December 8 the manager of the Tom Boy mine announced that he had secured a sufficient force of men and no more would then be employed. At that time the Liberty Bell mine, the Smuggler-Union mine, and others each had a small force of men, but the force was soon increased. The men who filled the places of the strikers were brought from a distance. Sometime after work was resumed in the mines operations were resumed in the mills. By December 31 every mill in the district was in partial operation. On December 16 the mine managers adopted and posted the following wage scale:

Mines, underground: Miners, $3 for eight hours; machine men, $4 for eight hours; trammers and shovelers, $3 for eight hours; drivers caring for horses, $3.25 for eight hours; drivers not caring for horses, $3 for eight hours; timbermen, $3.50 for eight hours; timbermen's helpers and laborers, $3 for eight hours; nippers, $3 for eight hours; hoisters, engineers, $4 for eight hours; station tenders, $3 for eight hours; cage tenders, $3.50 for eight hours.

Mines, outside: Engineers, $4 for eight hours; engineers, if hoisting men, $4 for eight hours; firemen, $3.50 for twelve hours; blacksmiths, $4 for nine hours; blacksmiths' helpers, $3.25 for nine hours; tool sharpeners, $3.50 for nine hours; carpenters, $4 for nine hours; laborers, $3 for nine hours.

Tramway gripmen and loaders, $3 for ten hours; brakemen and linemen, $4 for ten hours.

Mills, cyanide works, etc.: Crusher men, $3.50 for ten hours; battery men, $4 for twelve hours; battery men's helpers, $3.50 for twelve hours; Huntington and Chili mill men, $3.50 for twelve hours; concentrator men, $4 for twelve hours; concentrator men's helpers, $3.50 for twelve hours; engineers, $4 for twelve hours; firemen, $3.50 for twelve hours; blacksmiths, $4 for ten hours; carpenters, $4 for ten hours; laborers and shovelers, $3 for ten hours; canvas-plant employees, $3.50 for ten hours; solution men, $3.50 for twelve hours.

Apprentices will be employed under special agreement. All men are required to go to and from their work on their own time.

One dollar per day will be charged for board and lodging.

By January 1, 1904, 120 of the troops at Telluride had been relieved from duty.

Eleven union men were arrested December 23 on the charge of intimidating nonunion men, and on the next day were taken from Telluride to Montrose, 71 miles distant. On December 28 they were released from jail, the sheriff of Montrose County being notified by a telegram from the sheriff of San Miguel County that the cases against them had been dismissed.

On January 3, 1904, the following executive proclamation was issued:

Whereas, there exists in San Miguel County, State of Colorado, a certain class of individuals who are acting together, resisting the laws of this State, and offering violence to citizens and to property located in said San Miguel County; and

Whereas, at divers and sundry times various crimes have been committed in said county of San Miguel by said individuals, or with the aid and under the direction of said vicious and lawless persons; and

Whereas, from time to time, during the past several years, sundry murders and other crimes have occurred and a vast amount of property has been destroyed as a result of this lawless condition; and

Whereas, the civil authorities of said San Miguel County, while generally willing to enforce the laws, have been and are unable to cope with the situation, and to completely protect life and property, and have been unable to bring the persons guilty of such crimes and outrages to justice; and

Whereas, I have reason to believe that such civil authorities still are unable to protect life and property in said San Miguel County, and to bring the perpetrators of such crimes to justice; and

Whereas, in order to preserve peace and good order, I have heretofore ordered that a portion of the National Guard of Colorado report to the sheriff of the said county of San Miguel, to aid him in the enforcement of law, and the protection of all persons and property in said county; and

Whereas, for a long period of time a reign of terror has existed in said county by reason of threats and intimidation, so that the public officials and private citizens were frightened into subjection and the ends of justice thwarted and the enforcement of law set at defiance; and

Whereas, by reason of the lawlessness heretofore existing, the civil authorities are still unable to satisfactorily cope with such conditions, and the lawless element, by reason of the limited power given the said military under said order:

Now, therefore, I, James H. Peabody, governor and commander in chief of the military forces, by virtue of the power and authority in me vested, do hereby declare that a condition exists in said county bordering on absolute insurrection and rebellion.

I therefore direct and order that Maj. Zeph T. Hill, commanding the first provisional battalion, National Guard of Colorado, use such means as he may deem right and proper, acting in conjunction with or independently of the civil authorities in said San Miguel County, as in his judgment and discretion the conditions demand, to restore peace in said community and enforce complete obedience to the constitution and laws of the State.

JAMES H. PEABODY,
Governor and Commander in Chief.
SHERMAN M. BELL,
Brig. Gen. and Adjutant-General of the State of Colorado.

Governor Peabody said in an interview: "The purpose of the proclamation is to prevent agitators, who seek for no other ends than to create disturbance, excite the public mind, and annoy honest workingmen in pursuing their vocations, from entering San Miguel County."

The proclamation was read aloud by military officers on street corners in Telluride on the evening of January 3, 1904, and immediately thereafter the militia arrested 22 men and imprisoned them in the county jail. These included Eugene Engley, a former attorney-general of Colorado and attorney for the Western Federation of Miners; J. C. Williams, vice-president of the Federation; Guy E. Miller, president of the local union, and Henry Mainke, a prominent union leader. Williams had come from California to direct the strike at Telluride. On the same evening Maj. Z. T. Hill, in command of the troops at Telluride, announced to newspaper correspondents that the state of affairs rendered it necessary that all press reports should be censored; that the telegraph and telephone lines were under his control, and no reports could be sent by such means without his sanction. Gambling houses were closed. Persons were prohibited from appearing on the streets after 9 p. m., and it was made necessary for persons to procure passes from the military authorities in order to travel over the trails and roads of the district.

DEPORTATION OF UNION MINERS.

The 22 men arrested January 3 were deported to Ridgway, 45 miles distant, by the militia on the next day and ordered not to come back to Telluride. Thirteen men arrested January 4, 4 arrested January 8, and 6 arrested January 15 were deported to Ridgway. One man who returned to Telluride was rearrested by the militia and imprisoned January 6. By February 2 the number of men deported was 83.

On January 4 Major Hill issued an order, in part as follows:

> All persons are hereby ordered to bring whatever firearms they possess to these headquarters, where they will be registered and for the present retained; but such persons as can satisfy the commanding officer that they are good and law-abiding citizens will be allowed to retain the same upon their giving a receipt to the commanding officer.

Many arms were surrendered and many others were found by searching parties of soldiers.

On January 28 Governor Peabody issued an executive order making the militia subservient to the civil authorities in Teller County. On February 2 he announced that the soldiers in Teller County, numbering 103, and those in San Miguel County, numbering 108, would be materially reduced, and on the same date he said in an interview:

> I shall not revoke martial law in San Miguel County until the men who were deported and are now at the soup house in Montrose, declare their intention of becoming peaceable and law abiding citizens.

They will not be allowed to return as long as the military is stationed in that district. They were deported at the request of the civil authorities and not at the instance of the military.

On February 6 only 64 members of the National Guard remained in San Miguel County. On February 21 Maj. Z. T. Hill, who had been in command of the troops at Telluride since November 23, left there, turning over his command to Capt. Bulkeley Wells, manager of the Smuggler-Union mine. The press censorship continued, dispatches filed by newspaper correspondents being censored and then marked "This dispatch approved by Capt. Bulkeley Wells." News sent by mail was not interfered with.

On March 2 five men who had been convicted of vagrancy by the civil authorities were put to work by order of the sheriff. They were required to shovel the contents of a cesspool into an excavation. One of them, Harry Maki, a union miner, refused to work, and Deputy Sheriff Willard Runnels handcuffed and tied him to a telephone pole. He was thus pilloried from 11.20 a. m. to 12.45 p. m. This action of the deputy sheriff caused great indignation among the strikers. A photograph of Maki in this position was obtained, and copies were widely distributed by the Western Federation of Miners.

The following executive order, issued March 9, 1904, was read publicly and posted in public places by military officers in Telluride on March 11:

STATE OF COLORADO, ADJUTANT-GENERAL'S OFFICE,
Denver, Colo., March 9, 1904.

General Order No. 11.]

Whereas, on January 3, 1904, I did, by General Order No. 1, declare the county of San Miguel in the State of Colorado to be in a condition bordering upon insurrection and rebellion; and

Whereas, since that date conditions within this county of San Miguel have been and are rapidly changing and improving, peace and good order in said county are being fully restored and maintained and it has been shown to me that the civil authorities are able and willing to control the situation, to perform their constitutional functions and to enforce the laws; it is therefore

Ordered that the further application of qualified martial law under such proclamation shall be and hereby is suspended.

This order to become operative and be in force and effect from and after the 11th day of March, A. D. 1904, at 8 o'clock p. m.

By command of James H. Peabody, governor and commander in chief.

SHERMAN M. BELL,
Adjutant-General, Brigadier-General, State of Colorado.

Upon the reading of the order all militia in San Miguel County were relieved from duty.

On March 12 two of the men who had been deported from Telluride returned. Several others returned within a day or two.

On the night of March 14 about 100 members of the Citizens' Alliance held a meeting at Red Men's hall, after which they armed themselves, searched the town, and took into custody about 60 union men and sympathizers. In some instances the doors of residences were forced open. The men who were captured were brought to a vacant store and about 1.30 o'clock in the morning were marched to the depot and loaded into two coaches. As the special train bearing them departed a fusillade of shots was fired into the air by the mob. Among the leaders of the mob were Bulkeley Wells, manager of the Smuggler-Union mine, and John Herron, manager of the Tom Boy mine. One of those deported was Stewart B. Forbes, secretary-treasurer of the Telluride Miners' Union. Another was Antone Matti, local agent for a brewery. Another was A. H. Floaten, the local leader of the Socialist party and manager of the Peoples' Supply Company, the largest store in town. The door of his residence was broken open and he was found partly undressed, his wife having retired. A revolver was presented at him and he was wounded in the head by being struck with the butt of the weapon. He was marched from home without being allowed to put on his shoes or hat. Fifteen members of the mob accompanied the train to Ridgway, where the prisoners were ordered to get off, and further ordered never to return to Telluride.

During the next few days a number of other union men were forced to leave Telluride.

A number of the deported men announced their intention of returning to Telluride and of carrying arms for protection. At a meeting of the Ouray Miners' Union, on March 19, fifty men were selected as an escort for the return of the exiled miners to Telluride, about 16 miles across the range. In an interview on March 21, Governor Peabody said:

> The miners of Telluride have a right to go into the courts and seek an injunction. The men forced out of Idaho Springs went back under cover of an injunction, and if an injunction is issued for the Telluride strikers they can undoubtedly go back under it.
>
> There is one thing, however, upon which I shall insist most firmly as long as I am governor of this State. This is that armed men will not be allowed to parade in this State unless authorized to do so by proper authority. The constitution and laws do not permit the mobilization and marching of armed bodies of men without the sanction of the governor, and I certainly shall exert all the authority I possess against such procedure. The law will be maintained in Colorado. The members of the Western Federation of Miners will have to understand that they will not be permitted to arm themselves, mobilize and march on Telluride or any other place in this State.

On March 22, Judge Theron Stevens granted a temporary injunction restraining the defendants named, their agents, and abettors from in any manner interfering with the plaintiffs and those similarly situated from returning to their places of abode in San Miguel County, or from having free ingress and egress to and from Telluride, and all other places where of right the plaintiffs might go. The plaintiffs were A. H. Floaten and 51 others. The defendants were Willard Runnells, Walter Kenley, M. R. Hanson, Bulkeley Wells, John Herron, and 29 others, the Citizens' Alliance of Telluride, the Mine Owners' Association and members thereof. On the same day, March 22, the following message from officials and citizens of Telluride was sent to the governor:

TELLURIDE, COLO., *March 22, 1904.*

The undersigned, residents, officials and citizens of the county of San Miguel, respectfully make to you the following statement of facts, and petition: That there are within the county of San Miguel a large number of persons who are working in sympathy and harmony with a large number of persons now outside of the county of San Miguel, all of which persons, both within and without the county, are arming themselves and threatening to join forces within San Miguel County for the purpose of destroying property and inflicting personal injuries upon the citizens of said county.

The persons who are in charge of said mob are the same persons who have heretofore within the said county committed numerous acts of violence, some of which have resulted in murder and destruction of property; that said body of men are acting together and by force will attempt to commit felonies within said county and to offer violence to persons and property in said county and are threatening to break and resist the laws of the State; that the civil authorities are unable to suppress the same and can not provide safety to the persons and property of the residents of said San Miguel County; that your petitioners have reasonable apprehension that there will be a great loss of life and sacrifice of property unless immediate and decisive action be taken through the military authorities to suppress and quiet this body of men.

Wherefore your petitioners pray that you, the governor of the State, do forthwith order such portion of the national guard as you may deem necessary into active service in said San Miguel County, and that martial law be declared forthwith therein, and petitioners particularly urge the necessity for immediate action in this regard, as they apprehend that a large number of the men now outside the county will attempt to enter the same within the next few hours.

R. N. Rogers, mayor; C. F. Loebenitz, alderman; M. A. Wood, alderman; J. E. Jarvis, alderman; Michael Perion, alderman; J. P. Olson, alderman; L. W. Allen, city attorney; John Herron, chairman county board; J. C. Rutan, sheriff (by Willard Runnells, deputy in charge of office; sheriff in lower part of county on official business and can not be reached to-day); E. C. Howe, county attorney; E. N. Lavender, J. C. Anderson, L. C. Lomax, W. M. Randall, W. E. Crain, W. A. Taylor, F. L. Cristy, W. W. Cramer, W. E. Wheeler, C. E. Kracaw, G. W. Shoemaker, G. W. Tallman, E. R. Atkinson, C. L. Watson, I. E. Brown, W. V. Van Atta, A. C. Koch, Charles F. Painter, Cooper Anderson, Bulkeley Wells, S. A. Bailey and Charles A. Chase.

The attorney-general gave the governor the following opinion:

It is alleged that there is an armed body of men outside the county of San Miguel acting in conjunction with armed men within San Miguel County, threatening to commit violence upon persons and property. The civil authorities represent to you that they are unable to deal with the situation or to maintain law and order. The petition is signed by a large number of civil officers of the county, including the sheriff and marshal and mayor of the city of Telluride, and five of the aldermen and the county attorney.

Under these representations you are authorized, under your constitutional duties, to declare the county of San Miguel in a state of insurrection and rebellion, and to send a sufficient portion of the militia into that county for the purpose of maintaining law and order.

Martial law is a term of such varied meaning in our decisions that I do not care to make use of the expression, but it will be your duty to take such measures as are necessary to restore peace and order in that county.

I would advise that the troops act in conjunction with the civil authorities so far as it is possible to accomplish this end; but it is your paramount duty to take the necessary measures, even though you act independently of the civil authorities for a time, to see that the constitution and laws of the State are upheld.

Any person arrested must finally be dealt with by the courts, but how soon after the arrest will be largely within your discretion.

Yours, respectfully,

N. C. Miller.

Governor Peabody proclaimed San Miguel County "to be in a state of insurrection and rebellion." His proclamation follows:

State of Colorado, Adjutant-General's Office,
Denver, Colo., March 23, 1904.

General Order, No. 15.]

The following proclamation is issued from these headquarters for the information and guidance of all concerned, and it will be obeyed and respected accordingly:

Whereas, there exists in San Miguel County, Colo., a certain class of individuals, who are acting in conjunction with a certain large number of persons outside of said county who are fully armed and acting together; and

Whereas, open and public threats have been made to resist the laws of this State and offer violence to citizens and property located in said San Miguel County; and

Whereas, at divers and sundry other times various crimes have been committed in San Miguel County by or with the aid and under the direction of said vicious and lawless persons; and

Whereas, it is stated by the sheriff of said San Miguel County that these forces, within and without said county, are about to join forces within the said San Miguel County for the purpose of destroying property and for the purpose of inflicting injuries upon persons in said county; and

Whereas, by reason of such lawlessness and disturbances and threats and acts of violence the civil authorities are unable to cope with the situation, now, therefore, I, James H. Peabody, governor and commander in chief of the military forces, by virtue of the power and authority in me vested, do hereby proclaim and declare the said county of San Miguel, in the State of Colorado, to be in a state of insurrection and rebellion.

JAMES H. PEABODY,
Governor and Commander in Chief.

SHERMAN BELL,
Adjutant-General.

Troop A, of Telluride, Capt. Bulkeley Wells in command, was called out and immediately put the proclamation into effect. About 300 infantrymen were at once ordered to Telluride. Press censorship and other military regulations were again enforced. In an interview on March 24 Governor Peabody said:

This action was taken after careful deliberation, and because of representations made to me by officials and reputable citizens of San Miguel County. I am unqualifiedly against the idea that these men who were deported should arm themselves and march back in a body. I have always said I would not permit such a procedure. I will not. If they wish to go back as private citizens, all right. The courts can settle matters between individuals.

On March 26 Capt. Bulkeley Wells was notified that 6 men were returning to Telluride. With 30 militiamen he left Telluride on a special train, met the men on a passenger train 15 miles out, and placed them aboard the special. At the county line they were turned loose, being warned not to return to San Miguel County.

On the evening of March 26 a squad of soldiers at the Telluride depot were fired on by unknown parties. About 7 shots were fired, but no person was struck. On the same evening Stewart B. Forbes, secretary-treasurer of the Telluride Miners' Union, and three or four other union miners who had been deported, returned to Telluride. The military authorities immediately arrested Forbes and placed him in jail. By permission of Adjt. Gen. Sherman M. Bell, Forbes left the district on March 29.

Adjutant-General Bell said in an interview, March 27, that no man who was law-abiding and attending to his business would be interfered with, but no trouble breeders or agitators would be tolerated, whether they were in Telluride or had previously been deported. Deported men who were known to be generators of discontent would not be allowed to return singly, or by twos, fours, or dozens, whether armed or unarmed. In an interview on the same day Governor Peabody said: "The deported men may return if they behave themselves. However, there must be no rabid talking and no criticisms of or threats against the militia. Men who make threats or do not behave themselves will not be tolerated."

On April 3 the military force at Telluride was reduced.

On April 5 the Telluride Mine Owners' Association issued the following statement:

> We do not propose to enter into negotiations of any nature with the Western Federation of Miners. We do not recognize a union in Telluride. There is no strike in Telluride. All our mines are working with a full force of men, and we do not know what kind of a settlement can be made. With us there is absolutely nothing to settle.

On April 8, 74 men, who had been deported from Telluride by the military authorities and citizens, returned on the train arriving at 7.30 o'clock in the evening. They were met at the depot by Adjt. Gen. Sherman M. Bell with about 100 soldiers and about 200 armed citizens. They were marched to the opera house, where their baggage was searched for firearms and other weapons. After being given supper, they were put on the train and redeported, General Bell, Capt. Bulkeley Wells, and a detail of 30 soldiers accompanying them to the county line. At that place they were unloaded and ordered never to return to Telluride and informed that this would be the last free ride they would get out of San Miguel County. After this redeportation the wives of many of the men who had been deported appealed to Adjutant-General Bell to permit their husbands to return to Telluride, but the appeals were without effect. Stewart B. Forbes, secretary-treasurer of the Telluride Miners' Union, and six other union leaders were kept at Telluride. One of these, J. C. Barnes, being ordered to work on the street refused and threw a hoe away. A soldier threatened to shoot him if he did not work, but he still refused, and was taken back to jail, where he was kept on bread and water for a day. On April 12 all save Forbes were released and ordered to leave Telluride, which they did.

On April 25 Capt. Bulkeley Wells lifted the press censorship at Telluride. On April 26 the Gatling gun and commissary stores were shipped from Telluride and a number of soldiers were relieved, leaving only about 30 on duty in the district.

On the evening of May 9 Judge Theron Stevens arrived at Telluride to hold the district court, which convenes in San Miguel County twice a year—in May and November. On the afternoon of that day the Telluride Journal published the following notice, which caused considerable excitement:

> This afternoon a rumor was circulated that Judge Stevens, who will be in on this evening's train, was bringing with him ten or a dozen of the deported agitators who have been hanging around Ouray.

On being informed of this publication Lieutenant Lomax, who was in command of the militia at Telluride, telephoned his superior officers at Denver, and was instructed to arrest the men and confine them until further orders. On the arrival of the train all the soldiers in Telluride, to the number of about 25, and about 300 citizens were assembled at the depot. No deported men accompanied Judge Stevens on the train. In court the next morning Judge Stevens read an order in part as follows:

> I find a different condition here than what I had expected. The demonstration at the depot last night upon the arrival of the train could only have been planned and executed for the purpose of showing the contempt of the militia and a certain portion of this community for the civil authority of the State and the civil authority of this district. I had always been led to suppose from such research as I have been able to make that in a Republic like ours the people were supreme; that the people had expressed their will in a constitution which was enacted for the government of all in authority in this State. That constitution provides that the military shall always be in strict subordination to the civil authorities. It is doubtless construed differently, however, by the executive, who has declared this county to be in a state of insurrection and has declared martial law within its limits. In effect, therefore, the executive has said that there is no law in this county except the military commander.
>
> I can only believe, from the indications, from the demonstrations that have been made, and the conditions which seem to exist here, that the executive and the militia and a portion of the people of this county are willing that this court should be opened and such business transacted and such orders of the court executed as meet the approval of the military commander and a portion of the people of the county, but that such portion of the orders of this court or the decrees of this court as do not meet with the approval of this militia and the people of this county, may not be executed. Under such circumstances the court would not be in a position to enforce its lawful orders. * * *
>
> I have decided that until a different condition exists, until the supremacy of the civil authorities is acknowledged in this county, I shall not attempt to transact any business within its limits. It is, therefore, ordered that all matters pending and undetermined in this court be continued until the next term.

On June 9 Capt. Bulkeley Wells, in military command at Telluride, had an interview with Harry A. Floaten in regard to the connection of the latter with the Western Federation of Miners. Mr. Floaten was a Socialist, a member of the Masonic order, and secretary and treasurer of the People's Supply Company, which did a general merchandise business, carrying a large stock of goods at Telluride. In answer to inquiries he admitted that he was receiving on deposit funds of the local union of the Federation and transacting other financial business for that organization. Captain Wells thereupon informed him that he was too friendly to the union and that he must quit the district, obeying which order he left Telluride June 15. Previous to leaving he transferred the store business to his brother, A. H. Floaten, who had been deported on March 14 but subsequently allowed to return. On July 4 the Socialist party nominated A. H. Floaten for governor of Colorado.

CHAPTER XXII.

TELLER COUNTY PROCLAIMED TO BE IN A STATE OF INSURRECTION AND REBELLION.

After a conference with a number of citizens of Cripple Creek, including S. D. Crump, C. C. Hamlin, A. E. Carlton, and E. J. Campbell, Governor James H. Peabody on December 4, 1903, proclaimed Teller County to be in a state of insurrection and rebellion. The proclamation referred to the attempts at train wrecking and to the explosion at the Vindicator mine, and continued:

> Whereas, said destruction of property with attendant loss of life by mob violence, as above set forth, is but a repetition of outrages covering a long period of time just past in said county, during which time citizens have lost their lives without the offenders being apprehended or punished therefor; and
>
> Whereas, the civil authorities have shown themselves either unable to deal with these criminals and to bring them to punishment, or else are unwilling to perform their duty, by reason of threats and intimidations, or through fear or subserviency to such body of lawless and armed men, so that a state of lawlessness exists in said county of Teller, the laws are set at defiance, and the citizens are unable to enjoy the rights guaranteed them by the constitution and laws of this State, and by reason of these conditions it appears that life and property are unsafe in said county; and
>
> Whereas, I have reason to believe that similar outrages may occur at any time, and believing the civil authorities of said county of Teller are utterly unable, unwilling and are making no practical attempt to preserve order and to protect life and property:
>
> Now, therefore, I, James H. Peabody, governor of the State of Colorado, by virtue of the authority in me vested, do hereby proclaim and declare the said county of Teller, in the State of Colorado, to be in a state of insurrection and rebellion.

By order of the governor, Maj. H. A. Naylor with a detail of 50 cavalrymen proceeded to Victor, Goldfield, Independence, and Altman and read the proclamation aloud at a prominent place in each town. In an interview Governor Peabody declared that in issuing the proclamation he was guided by the decision of the supreme court of Idaho in re William Boyle, a Cœur d'Alene striker, who asked for a writ of habeas corpus, which was denied. This case is reported in Sixth Idaho, page 609. The syllabus written by the court follows:

HABEAS CORPUS—INSURRECTION.

In case of insurrection or rebellion, the governor, or military officer in command, for the purpose of suppressing the same, may suspend the writ of habeas corpus, or disregard such writ if issued.

SAME—PROCLAMATION OF GOVERNOR.

The truth of recitals of alleged facts in a proclamation issued by the governor, proclaiming a certain county to be in a state of insurrection and rebellion, will not be inquired into or reviewed on application for a writ of habeas corpus.

SUSPENSION OF WRIT—MARTIAL LAW—MILITARY FORCES.

The proclamation of the governor, declaring Shoshone County to be in a state of rebellion, and his act in calling to his aid the military forces of the United States for the purpose of restoring good order and the supremacy of the law, had the effect to put into force, to a limited extent, martial law in said county, and such action is not in violation of the constitution, but in harmony with it, being necessary for the preservation of the government and its necessary self-defense.

The provisions of the constitutions of Idaho and Colorado affecting the writ of habeas corpus are as follows:

That privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it, and then only in such manner as shall be prescribed by law.—Constitution of Idaho, Article I, section 5.

That the privilege of the writ of habeas corpus shall never be suspended unless when in case of rebellion or invasion the public safety may require it.—Constitution of Colorado, Article II, section 21.

In an interview Governor Peabody said:

It has been notorious that men arrested charged with various offenses have been allowed to go free, either through fear on the part of the authorities, connivance between them and the people charged with crime, or a lack of interest in the enforcement of law and the preservation of order. I propose that hereafter men charged with offenses shall be tried.

I have examined the Idaho case and found that it afforded an excellent precedent. The provision of the constitution of Idaho for the suspension of the writ of habeas corpus is almost identical with the provision in the constitution of Colorado, and as the governor of Idaho was sustained by the supreme court of that State in an act similar to the one I performed to-day, I feel that I am perfectly safe and will be sustained.

Attorney-General N. C. Miller said in an interview:

The whole situation is a matter in the discretion of the governor. If he decides that a state of insurrection and rebellion exists, and he has so decided, the courts of the State will not attempt to nullify what he has done. The proclamation does not amount to a declaration of martial law, as martial law is commonly understood. It lays the foundation, however, and martial law in the fullest meaning of the word may be inaugurated without the issuance of another proclamation.

Adj. Gen. Sherman M. Bell, in command of the militia at Cripple Creek, commenting on the action of the governor, said in an interview:

> "It was the only thing left for the governor to do. The situation in Cripple Creek is mighty critical and the only way to put a stop to this continued crime is to put the district under the rule of the military."
>
> "Martial law, then, exists?" inquired the reporter.
>
> "To be sure," was the answer. "The military will have sole charge of everything, and those whom the military think ought to be arrested will be landed in the 'bull pen.' If an order is issued to arrest all Socialists, they will be landed in the 'pen.'"
>
> "How about Presbyterians?" inquired the reporter.
>
> "They'll be thrown in, too, if an order is issued," was the reply. "The military is the whole works at Cripple Creek now, and it is for us to say who is to be under arrest."
>
> "How about the women? You won't throw them in the bull pen?" said the reporter.
>
> "Oh, we'll have a cow pen for them. 'Mother' Jones had better not come around, or she'll be the first one we'll land."

Henry M. Robertson, sheriff of Teller County, said in an interview:

> I still hold that the law has been enforced by the civil authorities of the district. Never at any time have I hesitated when a warrant was placed in my hands, and I have done everything in my power to apprehend those who have committed crimes.

On December 3, 1903, Judge W. P. Seeds, of the district court, fixed the bonds of four persons who had been arrested on the charge of murder and conspiracy to murder C. H. McCormick and Melvin Beck by an explosion which occurred at the Vindicator mine. The bonds were fixed at $15,000 each. On December 4, Judge Seeds issued a card to the public, in which he took exception to reported statements of the governor and attorney-general to the effect that it was impossible to secure in his court trials of officials of the miners' union who were charged with crime, but that they were released without trial. In his card to the public Judge Seeds said:

> At no time since the advent of the military in this district has any prisoner charged with crime by that authority been discharged or released by this court under habeas corpus proceedings or otherwise, and in all cases where discharge has been granted by habeas corpus it has been purely for the lack of any information authorizing or even suggesting to the court the commission of any offense or the violation of any public law on the part of the individual detained. In all other cases where either affidavit or information has been filed against such individual for the commission of any offense, he has been remanded to the custody of the sheriff of Teller County and bail fixed commensurate with the offense charged.

PRESS CENSORSHIPS EXERCISED BY MILITARY AUTHORITIES.

On the night of December 4, Maj. H. A. Naylor called at the office of the Daily Victor Record and informed its editor and proprietor, George E. Kyner, that a censorship had been placed upon the columns of the Record. Editor Kyner was told that he must not publish anything but ordinary news matter, and was compelled to show Major Naylor proofs of the editorial matter which he had already written for the next morning's issue of the paper. The leading editorial was produced, and the military officer told the editor that he must not publish it. He also forbade the editor to print the official statements of the miners' union. The editorial which was suppressed was as follows:

Martial law has been declared in Teller County. The proclamation was issued at noon yesterday by Colorado's governor. The reasons given by the governor are principally that the court and officials in this county have not and will not enforce the law. Those are the reasons given by Peabody for publication, but the Record believes that the real reason is that the troops, under their past course, have failed to break the strike in, at least, a manner satisfactory to the mine owners of the district.

It is our opinion that a larger bull pen will be established and that within a few days every labor leader and every man who can not give a good excuse for not being at work will be arrested and confined in the bull pen.

Words can not be found strong enough to condemn this action on the part of the governor. Many people believe it to be political. It is stated that if this was a Republican county there would have been no martial law here and the Record believes that that statement is right. The proposition is to drive all the people out of this county who are not in accord with the present State administration. If you will note the arrests that will follow this proclamation of Governor Peabody you will find that that statement will be verified. Men in the past and since the strike began have been arrested, it is our belief, because some enemy of theirs was near enough to the powers to have it done, but not a single administration enthusiast has been arrested.

The Record believes that this is a shame on the courts of this county. Judge Seeds has done all that a judge could do and has given the mine owners all that any reasonable people could ask for. How much more bonds would they ask for than $15,000, as in the case of Sherman Parker and others confined in the county jail? The sheriff of this county has been as active as any sheriff could be. If the blowing up of the Vindicator mine was malicious, why didn't they capture the men or, if they have the right man, what is the necessity of declaring martial law? If they have the evidence, those men can be convicted without any extreme exertion. The Record believes in the full enforcement of the law and it stands ready to condemn any official who does not do his honest duty, but we object to the name the governor of this State and his advisers seem determined to give the Cripple Creek district.

Talk about tyranny! Where can you point to more tyrannical action than that which has been practiced by the military since they were sent to this district? The Record does not know at this time how far it will be allowed to express its opinion under the reign of military law, but we purpose to proceed just as if we lived in free America. We want to do justice to everybody and propose to do that to the best of our ability. We realize that Peabody is governor and under the law we must respect his order, and are willing to because it is law, but until the order is issued that citizens and newspapers can not express their opinions we will proceed in the paths of justice as we construe it.

On December 5, Adjt. Gen. Sherman M. Bell issued the following statement relative to the situation and conditions, and also bearing upon the status of martial law and the construction of the same by the military authorities:

Instruction for the government of armies and troops in the field, martial law, military jurisdiction, military necessity, retaliation.

The county of Teller, in consequence of the occupation of the militia, is subject to the supreme military authority and control when necessity requires and occasion demands, and it becomes necessary to suspend, in part or its entirety, by the occupying military authority, of the criminal and civil law and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution or dictation.

The militia may proclaim that the administration of all civil and penal law shall continue either wholly or in part as in times of peace, unless otherwise ordered by the military authorities.

As martial law is executed by military force it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor and humanity—virtues adorning a soldier even more than other men.

To preserve law and order is paramount to all other considerations. All civil and penal law shall continue to take its usual course, unless interrupted or entirely stopped by order of the occupying military power.

Martial law extends to both property and persons. Whenever possible martial law is carried out in cases of individual offenders by military court, under military jurisdiction, which is twofold.

Military offenses must be tried under and punished in accordance with the rules and articles of war governing the armies of the United States, and incidentally the National Guard of the United States and Territories and the District of Columbia, under the Dick bill.

Military necessity admits of all direct destruction of life and limb of armed enemies, and other persons whose destruction is incidentally unavoidable. Military necessity does not admit of cruelty. It does not admit of the use of poison in any way. It admits of deception, but disclaims acts of perfidy. It is not carried on by arms alone.

It is a law requisite to civilized existence that people live in political continuous society, forming organized units or countries, whose constituents bear, enjoy and suffer, advance and retrograde together, in peace and in war. Secretly and otherwise organized in open defiance against the laws of the land, and men who take up arms in this respect are responsible to one another and to God.

Peace and prosperity is the normal condition of all states and countries, and the more vigorously these conditions are maintained the better it is for humanity, public and private property of a country, protection of persons, and especially of women and of religion.

A spy.—A spy is punishable by death whether or not he succeeds in obtaining the information or is in the act of conveying the same. The military law, like the criminal law regarding other offenses, makes no difference on account of sex.

Assassination.—The law abhors such outrages as assassinations. The sternest retaliation should follow in consequence of a murder committed. Civilized nations look with horror upon the offers of reward for the assassination of human beings and the dynamiting of property, and consider them as relapses into barbarism.

Insurrection.—Insurrection is the rising of people against their government or a portion of it, or against an officer or officers of the government. It may be confined to mere armed resistance or it may have greater ends in view.

Treason.—Armed or unarmed resistance by citizens of the United States against the lawful movements of the militia is treason, and the punishment is death.

Every able-bodied male citizen of Colorado, and those who have declared their intention to become citizens of the United States, residing therein, between the ages of 18 and 45 years, except persons exempt by law, are subject to military duty and are likewise subject to military enrollment and to pay military poll tax. The adjutant-general is empowered with the enforcement and collection of this tax of $1 from each person, and the failure or refusal to pay same is punishable by both fine and otherwise.

Every law-abiding citizen in the county of Teller and State of Colorado, if he, she, they or them are engaged in any legitimate business, no matter what their vocation in life, regardless of their union or nonunion affiliation and creed, shall first obey the laws of the land, those of Colorado and the United States of America included; and no one shall be interfered with nor in any wise molested at any time during the day or night, under penalty of military law, rule, discipline and protection.

I trust that mining and all business in the Cripple Creek district shall continue to improve and prosper, and that peace, prosperity and happiness shall continue in the greatest gold-mining camp in the world, as it should and shall henceforth forever be, and that it shall continue to receive the best compensation, both in hours and wages, in the entire country.

SHERMAN M. BELL,
Brigadier-General, Adjutant-General, State of Colorado.

CAMP GOLDFIELD, *December 5, 1903.*

On December 5 Lieut. H. M. Libby, adjutant of the district, issued a proclamation declaring that the Cripple Creek district was "in possession of the military forces of the State of Colorado, who have come to restore order, maintain public tranquillity, enforce peace and quiet under the laws and Constitution of the United States and the State of Colorado," and that—

> There exists in Teller County, State of Colorado, one or more organizations controlled by desperate men, who are intimidating the civil authorities, and who are setting at defiance the constitution and laws of the State of Colorado, so that the citizens of the said county of Teller, by reason of threats, intimidation and crimes committed by certain lawless persons in said county, are unable to enjoy their civil rights, in the judgment of the commander of the military forces holding it, and it is now found to be necessary to preserve order and maintain quiet by the administration of military authority. The military district commander, therefore, will cause the county to be governed, until the restoration of municipal authority and his further orders by military authority. * * *
>
> All persons in possession of arms, equipments and munitions of war of every description are required to surrender the same on or before 12 o'clock noon, Tuesday, December 8, 1903, to the military district commander, taking his receipt for same. Any person or persons failing to surrender the said arms, equipments and munitions of war shall be arrested and confined in the military prison and further punished as occasion may require. * * *
>
> No publication, either by newspapers, pamphlets or handbill, reflecting in any way upon the United States and the State of Colorado or its officers, or tending in any way to influence the public mind against the Government of the United States and the State of Colorado, will be permitted, and all articles of news or editorial comment or correspondence, making comment upon the action or actions of the military forces of the State of Colorado or of the organization above referred to will not be tolerated. * * *
>
> All assemblages of people in the streets, either by day or by night tend to disorder, and are forbidden.

The attorney-general of the State, N. C. Miller, in an interview on December 5 said that he was satisfied that Governor Peabody never intended to put into effect anything but limited martial law; that he had no intention of interfering with the civil courts, or of having a provost court, or of interfering with personal liberty or of muzzling the press.

In an interview on December 6 Governor Peabody said that he did not suppose anyone would take General Bell's proclamation seriously; at least, the governor hoped not. He further said:

> There has been no provost-marshal appointed nor will there be any. The same holds good with the provost court, about which I have read. The civil courts will continue as they have of old; likewise the civil authorities. The military is authorized to overstep them only in certain instances.
>
> The only purpose of the establishment of the qualified martial law is to hold men who have been released by the civil courts on flimsy or whatever pretexts. It is only in the case of such persons that the writ of habeas corpus will be suspended. * * *
>
> The press will not be molested any more than it has been since the beginning of the strike. Of course inflammatory articles or attacks on the militia will be kept out of the papers. There will be a censorship as far as these articles are concerned. There is, however, nothing to the story that a censor will be appointed.

CITIZENS REQUIRED BY MILITARY AUTHORITIES TO SURRENDER THEIR ARMS.

The military forces patrolled the streets of Cripple Creek and other cities in the district, taking the places of the local police officers and deputy sheriffs. Gambling houses were ordered to be closed entirely; saloons to be closed at midnight. The militia continued to arrest people, keeping them in the "bull pen" varying lengths of time, without filing charges against them. On December 8 the military officers in Cripple Creek had registered about 800 arms of different kinds. The owners of all except about 15 revolvers and shotguns were allowed to retain their arms.

On December 28, 1903, William D. Haywood, secretary-treasurer, and Charles H. Moyer, president, of the Western Federation of Miners, issued a circular to the local unions in the Cripple Creek district. The circular referred to the order that arms should be surrendered and said in part:

> Believing this to be contrary to the provisions of law in the State of Colorado and the United States of America, we have conferred with eminent counsel in regard to the matter, and herewith inclose a copy of their opinion, by which you will see that no one, whether members of the State militia or not, has the right, forcibly or otherwise, to take from you firearms, and if they do so it is at the peril of their lives. They have no more right to take your firearms than they have any article of furniture in your house; in fact not as much, as the law plainly states that the right to keep arms shall never be called in question.

The legal opinion referred to, prepared by Richardson & Hawkins, attorneys, of Denver, was based on section 13 of Article II of the constitution of Colorado, which reads as follows:

> That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question, but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

On December 28 John M. Glover, an attorney at Cripple Creek, formerly a Member of Congress from St. Louis, Mo., handed to representatives of the press a letter, in part as follows:

> I observe that Colonel Verdeckberg issues still another proclamation calling for more arms and detailing the strenuous things he will do if they are not surrendered. Tell the colonel that there are two guns in my office; they are not registered; they are mine; the constitution gives me the right to carry them; they are loaded to the brim. The colonel can have them when the supreme court ratifies his criminal usurpation against the liberties of the people of this country, and before that whenever he is bold enough to do murder under his illegal orders.

A copy of this letter fell into the hands of Colonel Verdeckberg, who immediately ordered Glover's arrest. A military detail went to Glover's office, but found the doors locked. The soldiers began to put ropes across the outside of the doors, so as to confine Glover in his office and starve him out. Apprehending that an attempt was being made to break in, Glover fired at one of the doors. The shot, which pierced the door about 3 inches from the floor, injured no one. The soldiers then opened fire through the door and Glover fired at least once more. After a lively fusillade of bullets, in which Glover was shot in the left arm, he surrendered. After receiving medical attention he was taken to the county jail. On the next day, December 29, he was released on parole, by order of Colonel Verdeckberg. After about a week spent at a sanitarium in Colorado Springs he returned to Cripple Creek. A condition of his parole was that he should report daily to the military forces. After his return he wrote to Colonel Verdeckberg that he was tired of this condition and asked the colonel to send a detail to take him to jail. This was done, but he was released by Judge R. E. Lewis, of the district court, on a bond of $600. He was tried before Judge Lewis, and he conducted his own defense without assistance. Judge Lewis ruled that the defendant should have submitted to the constituted authorities even if they were acting erroneously, that the proper course would be through regular legal channels, and that whether the soldiers were acting in aid of the civil authorities or under the powers bestowed by the governor's proclamation the act of the defendant in firing at the soldiers was not justified. The jury, February 9, 1904, returned a verdict of plain assault, and the court, April 7, imposed a fine of $25, from which decision the defendant appealed.

SUSPENSION OF WRIT OF HABEAS CORPUS.

On November 30, 1903, a deputy sheriff served writs of habeas corpus on the military officers in command, citing them to produce in the district court on December 3 several prisoners whom the militia had arrested and confined in the "bull pen" since November 21. On December 3 the prisoners were produced in court. S. D. Crump, attorney for the military authorities and the governor, stated that there were no charges against three of the prisoners, and Judge W. P. Seeds ordered them released. The judge ordered that three other prisoners, who were charged with being participants in the attempted train wrecking case, be turned over to the sheriff. This was done the same day, and their bonds were fixed at $15,000 each.

Among the three men who were released was Victor Poole. As soon as he reached the street in front of the court house the militia arrested him again and took him back to the "bull pen." Habeas corpus proceedings in behalf of Poole were instituted again before

Judge Seeds, and on December 7, 1903, the judge issued an order to the military officers to produce Poole in court. On December 9 Governor Peabody issued a proclamation declaring that in his judgment "the public safety especially requires that the privileges of the writ of habeas corpus be suspended" in the case of Victor Poole, that "it is necessary to safety that he be detained under military authority until further orders," and therefore "I direct that the said writ be suspended in his case until further ordered by me."

The habeas corpus case of Victor Poole was heard by Judge Seeds on December 11 and 12. In an oral opinion the judge declared that the military authorities were subservient to the civil, that the first proclamation by Governor Peabody when the troops were sent to Teller County said that they were sent to assist the civil authorities in preserving law and order. He also called attention to the fact that twenty or more prisoners who had been confined in the "bull pen" had been released therefrom on writs of habeas corpus issued by the district court, but many of them were then confined in the county jail, which was under the full supervision of the military authorities, on bonds ranging from $15,000 to $30,000. The order of the court was that Col. Edward Verdeckberg, Maj. H. A. Naylor, and Maj. T. E. McClelland release Victor Poole from custody. Coroner James Doran attempted to serve this order, but was forcibly ejected from military headquarters. The officers ignored the order of the court and retained Poole in custody. The military authorities appealed from Judge Seeds' decision to the supreme court. In December a charge of assault with intent to kill was brought against Poole and he was turned over to the sheriff. The case in the supreme court was dismissed January 2, for the reason that Poole had been turned over to the civil authorities. On January 9, 1904, he was tried before a magistrate on the charge of assault with intent to kill. There being no witnesses against him he was released.

DEPORTATIONS BY MILITARY AUTHORITIES.

On December 10, 1903, A. G. Paul, secretary of Cripple Creek Miners' Union, No. 40, was arrested by militiamen. He was confined in the jail until December 23. D. C. Copley, a member of the executive board of the Western Federation of Miners, was arrested by the militia December 13, but by order of the governor was released the next day, on giving bond for his appearance in case he should be wanted by the military authorities. M. E. White, of the executive board of the American Labor Union, arrived at Cripple Creek December 23 and was immediately arrested by the militia. After confinement in the "bull pen" two days he was put on a train and told never to return to the Cripple Creek district. On January 9, 1904, five men were arrested by the militia on the charge of having no legitimate means of support and of being agitators. After a week's confinement they were deported, 8 cavalrymen escorting them on the Canyon City road as far as the county line. On January 17 a squad of militiamen surrounded the house of Mrs. Mart Morrison, in Independence, and demanded admission. She was alone, and opened the door. After searching the house they arrested her and caused her to walk to Victor, but by order of Colonel Verdeckberg she was at once released.

On the evening of December 19, 1903, a detail of infantrymen went to the hall of the Victor Miners' Union and demanded admission. This was refused at first, but Maj. T. E. McClelland threatened to break in unless the door was opened. The soldiers were then permitted to enter the hall, where 250 members of the union were holding their regular weekly meeting. Major McClelland inquired of the president of the union whether a man named Baker was present. James A. Baker, a member of the executive board of the Western Federation of Miners, from Rossland, British Columbia, being pointed out, was arrested. On the next day he was examined by Col. Edward Verdeckberg. He said that he had come to Victor to assist in starting a cooperative store at Goldfield. Colonel Verdeckberg told him that another grocery was not needed in Goldfield or elsewhere in the district at that time; that the grocery firms doing business were conducting their stores on legitimate lines, and that it was not necessary to establish a union store, because it would result in a boycott and create more trouble. Colonel Verdeckberg gave him the alternative of leaving the district at once or suffering imprisonment in the "bull pen" at Camp Goldfield. Baker accepted the former alternative and left the same day. However, the cooperative or union store was opened at Goldfield on December 21. This made four cooperative stores in the district—at Cripple Creek, Victor, Anaconda, and Goldfield.

Following is a general vagrancy order issued by the military authorities:

HEADQUARTERS TELLER COUNTY MILITARY DISTRICT,
NATIONAL GUARD OF COLORADO,
Victor, Colo., December 30, 1903.

Any person able to work and support himself in some honest and respectable calling, who shall be found loitering or strolling about, frequenting public places where liquor is sold, begging or leading an idle, immoral or profligate course of life, or not having any visible means of support, shall be deemed a vagrant.

Notice is hereby given that from and after January 7, 1904, all vagrants as hereinbefore defined, who shall be found within any of the cities and towns or any part of Teller County, Colo., will be promptly arrested by the military authorities and dealt with according to law.

All persons within the said territory who fall within the above definition of a vagrant are hereby given until the above-mentioned date within which to become engaged in some honest and lawful pursuit, after which they will be taken into custody without further notice.

By command of Colonel Verdeckberg.

H. M. LIBBY,
First Lieutenant and Adjutant, First Infantry,
First Brigade, N. G. C., Adjutant of the District.

Following is a copy of a placard that was distributed over the district January 6, 1904:

NOTICE.

All members of the Western Federation of Miners of the Cripple Creek district: It has been decided in many courts that members of organized labor are not vagrants. Keep your union cards. Refuse to be driven from your homes. If compelled to leave by force of arms union men are advised to return immediately to the Cripple Creek district. The Western Federation of Miners will provide for all striking miners' families.

CHARLES H. MOYER, *President,*
WILLIAM D. HAYWOOD, *Secretary-Treasurer,*
Western Federation of Miners.

Copies of this placard which were posted up were torn down by the militia. On January 7, 1904, Judge W. P. Seeds, of the district court, issued an injunction restraining the militia from deporting or sending out of the district any members of the Western Federation of Miners. On January 8 Colonel Verdeckberg, in a consultation with union officials whom he had called to meet him, informed them that the militia did not intend to molest the union men who were out of work or who were working so long as they obeyed the laws and created no undue excitement.

On December 29, 1903, Judge W. P. Seeds reduced the bonds of Sherman Parker and W. F. Davis, charged with the attempted train wrecking on November 17 and with causing the explosion by which two men were killed in the Vindicator mine shaft on November 21. The bonds were reduced from $30,000 to $19,000. On January 14, 1904, Parker, having furnished the required bond, was released by the sheriff, but as he was leaving the jail, he was rearrested by a squad of soldiers. A committee from the convention of Federated Unions of Colorado, then in session at Denver, waited on Governor Peabody on January 15, and requested the release of Parker. The governor refused the request, saying that new charges would be filed against him. In the district court, on March 2, Sherman Parker and Thomas Foster, accused of conspiracy with H. H. McKinney to wreck a train, were acquitted by the jury, and on the same day the assistant district attorney nolled the cases against

Sherman Parker, W. F. Davis, Stephen Adams, and Charles G. Kennison, charged with conspiracy and murder in the Vindicator mine disaster.

In the United States Senate, on December 11, 1903, Senator T. M. Patterson, of Colorado, introduced a preamble and resolution. The resolution was as follows:

> *Resolved*, That the Judiciary Committee be and hereby is directed to make investigation of all matters connected with existing labor strikes in the State of Colorado, and as to the manner in which the same have been conducted, and as to the conduct of the governor of the State in the use of the military in said State, as to whether or not there is at present a republican form of government in said State, and in the several counties thereof, and what, if any, legislation may be proper and necessary to maintain in said State a republican form of government. To this end the said committee may appoint a subcommittee to visit Colorado for the taking of testimony, with such powers as to command the attendance of witnesses and the employment of clerks and stenographers as shall by the Senate be conferred.

On January 13, 1904, Senator N. B. Scott, of West Virginia, introduced in the United States Senate a statement of the labor troubles in the metalliferous mines of the Rocky Mountain region. This statement was signed by C. C. Hamlin, secretary of the Cripple Creek Mine Owners and Operators' Association.(a) On February 20 Senator Patterson introduced a statement from the Western Federation of Miners in reply, signed by Chales H. Moyer, president, and William D. Haywood, secretary-treasurer.(b)

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[a] Senate Document No. 86, Fifty-eighth Congress, second session.

[b] Senate Document No. 163, Fifty-eighth Congress, second session.

CHAPTER XXIII.

FATAL ACCIDENT AT THE INDEPENDENCE MINE.

On January 26, 1904, as the night-shift miners on Stratton's Independence mine at Victor were leaving the mine, the cage containing 16 men was violently drawn into the sheave wheel at the top of the shaft. The cage then dropped, and all but one of these men were instantly killed, their bodies being dashed down into the sump, 1,500 feet below. The Independence had become a nonunion mine. The verdict of the coroner's jury was as follows:

> We, the jury, find that the above-named men came to their deaths at Stratton's Independence mine on January 26, 1904, by the engineer, Francis T. Gallese, losing control of the engine there in use and pulling the cage into the sheave, thereby parting the cable and precipitating the cage, loaded with the above-named men, down the shaft to their deaths.
>
> And further find that if the management had not neglected the usual necessary precautions the said casualties might have been reduced, if not avoided.
>
> The usual precautions referred to, which were not taken, are as follows:
>
> First. No man is required to preside at the collar of the shaft while hoisting men.
>
> Second. No safety device was in use on the cable to prevent the overwinding of the same.
>
> Third. Men were loaded and unloaded without placing the cage upon the chairs.
>
> Fourth. The disk brakes of the hoisting engine were detached from their usual positions and were useless.
>
> We, the jury, would recommend that all safety appliances and the precautions herein named and recommended be adopted and used, not only by the Stratton's Independence mine, but by all mines in this district not now using the same, thereby reducing to a minimum the damage to life and limb that men working in the mines are subjected to.
>
> We further recommend that a competent extra man should stand near the engineer while he is hoisting or lowering men, whose duty should be to render any assistance needed.
>
> THOMAS M. HAMILL, *Foreman.*
> FRANK AKINS, *Clerk.*
> JOHN HORGAN.
> T. S. LELAND.
> R. A. REED.
> J. L. TOPPING.

State commissioner of mines, E. Lyman White, appointed a board of inquiry to investigate the accident. The report of this board was as follows:

Mr. E. L. WHITE, *Commissioner of Mines.*

DEAR SIR: In compliance with your summons, we, the undersigned, met as a board of inquiry to investigate the conditions surrounding the accident at the Independence mine, in Teller County, with a view of determining what may be suggested to prevent such accidents in the future, on the following points:

First. To restrict the use of cages in counterbalance in hoisting men out of shafts or lowering men into shafts.

Second. To enforce the use of some suitable overwinding device.

Third. To enforce the use of a set of chairs placed in the gallows frame at a point that will insure the catching of the cage in its descent, if cable is released from cage.

Fourth. To enforce the testing by some competent person of the safety clutches used on cages at regular intervals.

In our investigation, regularly conducted, we find a divided sentiment in reference to recommendation No. 1, and we do not feel justified in recommending its enforcement.

In reference to recommendations Nos. 2, 3, and 4, we recommend their enforcement unqualifiedly.

J. B. CUNNINGHAM,
Chairman.
E. H. NEWLAND,
Secretary.
MARK E. GREVE.
J. E. DEVY.
E. E. GOULD.
J. A. BECKMAN.

N. C. Miller, attorney-general, and I. B. Melville, assistant attorney-general, were requested by Governor Peabody to make a report regarding the statutes which provided for the safety of persons engaged in metalliferous mining. In their report, dated February 8, 1904, they referred to chapter 119 of the session laws of 1899, and chapter 144 of the session laws of 1903. The following is quoted from the law of 1899:

Seventeenth. That all shaft collars hereafter constructed shall be covered and so arranged that persons or foreign objects can not fall into the shaft. Where a mining cage is used a bonnet which raises with the cage and falls back into place when the cage descends shall be used. This bonnet or shaft cover need not be tight beyond what would exclude anything from falling into the shaft that would endanger life; and the cage shall also be equipped with safety clutches and a steel hood or bonnet, oval in shape, if solid, and if divided in the middle and hinged at the sides the angles of the sides when closed shall not be less than 45 degrees nor the steel less than three-sixteenths of an inch thick.

One section of the law of 1903 is as follows:

> SECTION 15. That in all shafts hereinafter constructed collars of same shall be protected in such manner that persons or foreign objects can not fall into the shaft. In all shafts equipped with cages safety clutches shall be used. In shafts equipped with buckets shaft doors must be constructed which will prevent any material falling into shaft from dumping.

The report of Messrs. Miller and Melville said in part:

> While the act of 1903 specifically enumerates certain things that shall be done and certain things that shall not be done in the construction, equipment, and operation of metalliferous mines and mills looking to the safety of employees, it does not prohibit the commissioner or inspector, either in accordance with its provisions or the provisions of the act of 1899, from recommending and, after proper notice, from enforcing such reasonable changes as are necessary for the further protection of human life.
>
> It would be as absurd to say that because the act of 1903 does not specify the strength of the cable or the size of the timbers to be used in a mine that a cord could be used for the former and quarter-inch siding for the latter, as it would be to affirm that so long as a cage is equipped with safety clutches it is immaterial whether or not the clutches work, so long as the letter of the law is complied with. And more absurd would it be at this time—after it has been demonstrated by the loss of 15 human lives that safety clutches, in the best of condition, do not always work—to say that the owners and operators of mines in this State can not be compelled to place chairs in the gallows frames at some suitable point to insure the catching of a descending cage, or at least to adopt other appliances equally effective. * * *
>
> I believe the law to be amply sufficient to enforce, not only the requirements recommended by the committee, but all other reasonable requests that may be necessary for the further preservation of human life, and that the commissioner of mines and the inspectors are given ample power, through the courts, to enforce both the letter and the spirit of the law.

The Western Federation of Miners did not fail to attribute the accident, with its attendant loss of 15 lives, to the failure of the mine management to comply with the statutes providing for the safety of mine workers, and to charge that there was similar negligence at other mines. On the other hand, the manager of Stratton's Independence mine claimed that the accident had been caused by the machinery being tampered with, though he did not explain how this could have been done when no union men were allowed on the property.

On January 28, 1904, Governor Peabody issued the following

EXECUTIVE ORDER.

> STATE OF COLORADO, EXECUTIVE CHAMBER, DENVER.
>
> Whereas on December 4, 1903, I did issue my proclamation declaring the county of Teller, in the State of Colorado, to be in a state of insurrection and rebellion; and

Whereas since that date the conditions within said county have been and are rapidly changing, and peace and good order in said county are being fully restored, and it has been shown to me that the civil authorities are able and willing to control the situation, to perform their legal functions and to enforce the law; it is, therefore,

Ordered, that the further application of military authority under such proclamation shall be, and hereby is, suspended, and the provisional military detachment now in Teller County will act in support of, and in subordination to, the legally constituted civil authorities of said county; and for the purpose of carrying out this order and to enable the civil authorities to enforce obedience to law, and to protect life and property, a suitable detachment of the National Guard of Colorado will remain in Teller County, under command of Col. Edward Verdeckberg, until further orders.

This order to become operative and to be in force and effect from and after Tuesday, February 2, 1904, at 10 o'clock a. m.

Given under my hand and the executive seal, this 28th day of January, A. D. 1904.

JAMES H. PEABODY,
Governor and Commander in Chief.

Governor Peabody announced, February 2, that the number of soldiers in the Cripple Creek district was 103 and that it would be reduced to 50 within a day or two; also that the force of 108 soldiers at Telluride would be materially reduced.

On February 17 Governor Peabody visited Victor and was given a reception at the headquarters of Company L, a local military company. Replying to an address from C. C. Hamlin, secretary of the Mine Owners' Association, the governor said:

> I think I have done my duty in bringing about law and order in the Cripple Creek district, and now it is up to you gentlemen. I will take the burden from my shoulders and place it on yours, and I think that you will be able to carry it. But in doing this I would suggest that the olive branch, the hand of friendship, should be extended to the striking miners, and that harmony between the employer and employee should be brought about.

On April 11 an order was issued withdrawing the troops from Teller County. This action was taken by Governor Peabody in compliance with a request signed by civil officers and many citizens and mine owners of the county, declaring that peaceable conditions prevailed and that troops were no longer necessary. The troops left the district on the next day.

CHAPTER XXIV.

MINE OWNERS' ASSOCIATION CARD SYSTEM FOR BLACKLISTING MEMBERS OF THE WESTERN FEDERATION OF MINERS.

On September 17 the following notice was posted in the various mines in the district:

> It is hereby given out that no member of any union, affiliated or connected with the Western Federation of Miners will be given employment on this property.
>
> By order of the Cripple Creek District Mine Owners and Operators' Association.

On September 30 the miners employed by the Woods Investment Company at the Gold Coin mine were informed that, beginning the next day, old employees who were members of the Federation would be retained in the employ of the company provided only they would renounce allegiance to the Federation. A reduced force, only about 75 men, were then employed in the mine. A few of the employees whom this order affected gave up their membership in the Federation and continued at work, but most of them quit, and the company engaged new men, but operated with a very small force for some time.

On December 10, 1903, the manager of the Dorcas Mining and Milling Company was notified by the Cripple Creek Mine Owners' Association to the effect that he must discharge every employee who would not sever his membership with the Western Federation of Miners, and that in the future he was to employ no man who was a member of that organization. If he did so he would not be allowed to treat any ore which could be controlled or diverted elsewhere by the association. The manager thereupon notified all of his employees who were members of the Western Federation that they must sever their connection with that organization as a condition of continuing in their employment. They refused, and on December 26 all such employees quit work.

On March 10, 1904, the Cripple Creek Mine Owners' Association issued the following statement:

> The Cripple Creek District Mine Owners and Operators' Association to the nonunion miners of the district and to the citizens of Teller County, Colo., greeting:
>
> We desire by this address to impress upon those miners of the Cripple Creek district who are not members of the Western Federation of Miners the importance of perpetuating law and order, as

inaugurated and maintained by the action of our worthy governor, Hon. James H. Peabody.

It is a fact, established by superabundant evidence during the strikes in the Coeur d'Alene, in Leadville, in Telluride, and in Cripple Creek, that the dominating element within the Western Federation of Miners is composed of a small but powerful clique, who advocate and actually perpetrate acts of assassination, arson, and dynamiting to accomplish their ends.

It is an equally well-established fact that by far the large majority of miners within the union and outside of it are decent and law-abiding citizens, who are not in favor of gaining their rights or enforcing their demands by the unlawful means adopted by the leaders.

The avowed purpose of this association is to drive the disturbing and dangerous element of the Western Federation of Miners from the district and from the State, if possible, and we call upon all nonunion miners and the citizens at large to assist us in this effort. The welfare of the district demands this, and it is equally imperative that the nonunion miners and all honest citizens cooperate with this association to secure the election of public officers who will stand for law and order on all occasions.

In view of all these considerations, and with the determination to eliminate all dangerous characters, it is our purpose to establish a central bureau of employment, which shall receive and act upon all applications for work in all the mines connected with this association. This method will secure good and steady employment for all good workmen and decent citizens, and will throw out all those who are in harmony with the unlawful methods adopted by the Western Federation of Miners on so many occasions.

We feel sure that this method of employment will be of benefit to employer and employee alike. We think it best to give public notice of this, our intention, in advance, with the hope that it will be a step toward harmony and law and order.

On March 12 the executive committee of District Union No. 1, Western Federation of Miners, issued a statement, in part as follows:

As much comment has been made in regard to calling out the leasers, and for the information of the Mine Owners' Association, we desire to state that we are fully aware of the benefits accruing to the mine owners by the operation of the leasing system; but until this date we have offered no objection to the same, believing that after the advice given by his excellency, the governor, that the mine owners extend the olive branch and adjust the present controversy, that further trouble could be avoided; but, as we construe the statement of the Mine Owners' Association, we are compelled to believe that they have no desire for peace but by the inauguration of the permit system it is their purpose to carry on a war of extermination.

Taking this view of the matter, members of the Western Federation of Miners can not longer see their way clear to develop properties and pay royalties to members of the Mine Owners' Association.

The miners of the Cripple Creek district believe that they have the same right to belong to an organization of their liking as have the mine owners, and we believe that we voice the sentiment of the great majority, not only of the union but the nonunion miners of the Cripple Creek district, when we say that they will refuse to sign away their rights as American citizens, and by so doing indorse the blacklisting system that will follow.

While many of the leasers realize fully and keenly that they are suffering a loss far beyond day's pay, nevertheless they have and will continue to place their principles above the dollar and refuse to further assist the Mine Owners' Association and the mill trust in their work of persecution and disruption.

We wish once again to call the public's attention to the fact that the Western Federation has at no time made any demand of the mine owners of the Cripple Creek district other than that they withdraw their patronage from the mill trust in order that living conditions might be secured for the employees of said mills.

This, it is unnecessary to say, they have refused to do, thereby compelling the members of the Western Federation of Miners to discontinue the reduction of ore or grossly violate their obligations and abandon their fellow members who were formerly employed in the unfair mills.

While we deplore the necessity which makes us a party to the continued unsettled conditions which now prevail, being wholly convinced our cause is one of justice, we have no intention of giving up the battle until justice shall prevail and the same rights conceded to mine and mill workers that is demanded by their employers.

We desire to reiterate the oft-repeated statement that we stand ready, as at all times in the past, to meet representatives of the Mine Owners' Association, or mill trust, for the purpose of bringing about an honorable and universally satisfactory adjustment of the prevailing trouble. We are desirous that harmony and good will shall prevail in this district, and stand ready at all times to lend our assistance to the civil authorities to the end that law and order may prevail. There has been no time but members of our organization have considered themselves amenable to the courts; but we challenge the right of the Mine Owners' Association or any other alleged law and order society to pass upon our guilt or innocence, or as to whether we, as members of the Western Federation, shall be permitted to remain in the State of Colorado.

EXECUTIVE COMMITTEE DISTRICT UNION No. 1, W. F. M.

On March 12 union lessees who had been shipping to certain mills and smelters were called out by the executive committee of the district union, Western Federation of Miners, and also the union miners employed on the Midget and Modos mines. About 250 men were involved. On March 16 the union men working in the Le Claire mine were ordered out. On March 16 all employees in the Sunshine mine were notified that no union men would longer be employed there. All of them quit work.

The members of the Mine Owners' Association having decided, as announced in their notice of September 17,1903, and their statement of March 10, 1904, to blacklist all members of the Western Federation of Miners, employees and all applicants for work were required to answer the questions on a blank form, of which the following is a copy:

Mine No. ——. Office No. ——.

APPLICATION FOR WORK.

—— Mine.
—— 190–.

Name, —— ——.
Age, ——. Married? ——. Nationality, ——.
Residence, ——.
Occupation, ——.
Where last employed? ——.
For how long? ——.
In what capacity? ——.
Did you quit voluntarily, or were you discharged? ——.
If discharged, for what reason? ——.
How much experience have you had as ——? ——.
Where employed before coming to Cripple Creek district? ——.
Are you a member of the Western Federation of Miners? ——.
Have you ever been a member of the Western Federation of Miners? ——.
If so, when did you sever your connection with same? ——.
Do you belong to any labor organization; and, if so, what? ——.
References: —— ——.

—— ——,
Applicant.

Remarks: ——.

If the answers of the applicant were satisfactory, the secretary of the Mine Owners' Association issued to him a card authorizing his employment by members of the association. He kept this card while seeking employment but on obtaining employment he surrendered the card to his employer, who returned it to the secretary of the association, and the secretary filed it, all cards being numbered consecutively. When the man was again out of employment he was again given his card, so that he could seek new employment; but, if he were considered an agitator, if he had been found to be a union sympathizer, or if his services had been unsatisfactory, the card would not be reissued to him. This card system has continued in the Cripple Creek district until the present time.

The members of the Mine Owners' Association not only refused to employ members of the Western Federation of Miners, but endeavored to prevent all owners of mining properties from leasing their mines to members of the federation to work on their own account. This is shown by a circular, of which the following is a copy:

CRIPPLE CREEK DISTRICT MINE OWNERS' AND OPERATORS' ASSOCIATION,
CRIPPLE CREEK, COLO.

Important.

APRIL 20, 1904.

DEAR SIR: We have from time to time urged that no leases be made in the Cripple Creek district to persons not in sympathy with the purposes of our association, and to this end we suggest the following:

1. That no lease be let to any person unless the applicant shall have a recommendation card from the association.
2. That the following provision be inserted in all leases:

"The party of the second part agrees that he will employ no person to work on, in, or about the premises above demised unless the person so employed shall have and present a recommendation card from the Cripple Creek District Mine Owners' and Operators' Association; that he will comply with all the rules and regulations of said association relating to the employment and discharge of labor; that he will furnish to the secretary of said association at any time on request a full list of all men employed by him as aforesaid, and that he will promptly discharge any man so employed at the request of the party of the first part."

A strict compliance with these suggestions will do much to further the work of the association.

Truly, yours,

The Cripple Creek District Mine Owners'
and Operators' Association.
C. C. Hamlin, *Secretary.*

The mine owners at Telluride, Idaho Springs, and other places adopted methods similar to those enforced by the Cripple Creek Mine Owners' Association, with the object of preventing any member of the Western Federation of Miners from obtaining employment in the mining camps. On October 1, 1904, the mine owners in the Leadville district introduced the card system. On September 26 notices as follows were posted at all mines in the Leadville district:

On and after October 1, 1904, no person shall be employed at this mine who shall not have deposited with the timekeeper his card of recommendation of the Leadville District Mining Association. For cards of recommendation apply to the secretary's office, ground floor, Bank Annex Building, No. 109 East First street, Leadville.

Each notice was signed by the mining company at whose shaft the notice was posted. Attorneys for the Western Federation of Miners filed in the State district court an application for an injunction against the Leadville District Mining Association, its officers and members. The complaint alleged that the mine owners had conspired to crush out the Western Federation of Miners, thereby causing its members to lose their fraternal benefits and privileges; that this was to be accomplished by refusing employment to the members of the Federation, so that they would have to leave the district, and that such objects were unlawful. An injunction was asked for to restrain the defendants from discriminating against any miner because of his being a member of the Western Federation, or from making out a blacklist, or from compelling members of the Federation to abandon that organization, or from compelling them to sign any agreement that they would renounce membership in the Federation, or for carrying out or doing anything in furtherance of any plans to discriminate against the employment of miners who would not renounce their allegiance to the Federation, or from in any other way conspiring to deprive any members of the Federation from obtaining employment.

On September 30, 1904, after the Leadville District Mining Association had issued recommendation cards to nearly 2,000 employees, Judge Frank W. Owers, of the State district court, issued an injunction, as has been prayed for.

CHAPTER XXV.

THE MOYER HABEAS CORPUS CASE.

Charles H. Moyer, president of the Western Federation of Miners, was arrested at Ouray on March 26, 1904, by Sheriff Maurice Corbett, of Ouray County, upon instructions from Sheriff J. C. Rutan, of San Miguel County. The charge against him was desecration of the American flag, by having copies of the flag printed with inscriptions on them. Copies of the flag printed in proper colors, with the inscriptions in black ink on the stripes, had been widely distributed through the State of Colorado and elsewhere. They were printed in various sizes and were posted in many public places. The distribution was done by the Western Federation of Miners. At the head of the circulars or posters bearing the flag were the words, "Is Colorado in America?" Following are the inscriptions on the flag, one on each of the thirteen stripes:

Martial Law Declared in Colorado!
Habeas Corpus Suspended in Colorado!
Free Press Throttled in Colorado!
Bull Pens for Union Men in Colorado!
Free Speech Denied in Colorado!
Soldiers Defy the Courts in Colorado!
Wholesale Arrests Without Warrant in Colorado!
Union Men Exiled from Homes and Families in Colorado!
Constitutional Right to Bear Arms Questioned in Colorado!
Corporations Corrupt and Control Administration in Colorado!
Right of Fair, Impartial, and Speedy Trial Abolished in Colorado!
Citizens' Alliance Resorts to Mob Law and Violence in Colorado!
Militia Hired to Corporations to Break the Strike in Colorado!

On the larger posters, below the picture of the flag, was a half-tone picture of Henry Maki, as he had appeared March 2, 1904, when shackled to a telephone pole at Telluride because he refused to do work on the streets which a military guard had ordered him to perform. Below the picture of the flag also were several paragraphs, one of them as follows

> The picture represents Henry Maki, a union miner at Telluride, who was arrested for vagrancy—had money in his pocket and was being supported by his union. He was shackled to a telephone pole because he refused to work in a filthy cesspool under the bayonets of the State militia.

The larger posters also bore facsimiles of the autographs of Charles H. Moyer, president, and William D. Haywood, secretary-treasurer of the Western Federation of Miners.

While President Moyer was arrested on the charge of flag desecration, it was commonly believed that his arrest was ordered by Governor Peabody largely for other reasons. On the day of his arrest at Ouray, President Moyer was taken to Telluride. His bail was fixed at $500 by Justice of the Peace P. A. Lilley, but security for bail was not then offered. He was confined in the city jail, but was permitted to go outside for meals.

On March 30, 1904, Sheriff J. C. Rutan, of San Miguel County, reached Denver bearing a warrant for the arrest of William D. Haywood, secretary-treasurer of the Western Federation of Miners. The charge against him was the same as that for which President Moyer had been arrested. Hearing of the coming of the sheriff, Mr. Haywood caused his own arrest. The arrest was on the complaint of J. Wolff, a friend of Mr. Haywood, charging him with desecration of the flag. The object of Mr. Haywood in seeking arrest at Denver was to avoid being taken to Telluride. Justice of the Peace W. F. Hynes fixed his bond at $300. Though a bond was not furnished, he was not placed in jail, but, accompanied by a constable, he was allowed to attend to his business at Federation headquarters. The justice set the date of his trial for April 8, and until that day Sheriff Rutan was unable to serve the warrant brought from Telluride.

On March 31 District Judge Theron Stevens granted a writ for the release of President Moyer, making it returnable on April 11. On the latter date Adjutant-General Bell and Captain Wells failed to produce Moyer in court at Ouray, as the judge had ordered. The respondents were not present and refused by their legal representatives to produce Moyer, giving as reasons that he was in the custody of Governor Peabody as commanding officer of the State militia, and that it would not be safe to bring Moyer before the court. The respondents were represented by E. C. Howe, deputy district attorney of San Miguel County, who was assisted by Attorney-General N. C. Miller and Assistant Attorney-General H. J. Hersey. The judge refused to permit the filing of the answer of General Bell and Captain Wells, and he issued the following order:

STATE OF COLORADO,
County of Ouray, in the district court, ss:

IN RE CHARLES MOYER—ORDER:

Now, on this 11th day of April, A. D. 1904, the above cause coming on further to be heard upon the return day of the writ of habeas corpus, heretofore issued herein, and it appearing from the return of J. C. Rutan, sheriff of San Miguel County, that the said writ was duly served upon the persons therein named, to wit: Sherman Bell and

Bulkeley Wells, at and within the city of Telluride, in said county of San Miguel, on the 4th day of April, A. D. 1904, by personally leaving with each of them a copy of the said writ duly indorsed with the words, "By the habeas corpus act," and tendering to them the amount of money indorsed on the said writ and ordered to be tendered, to wit, the sum of $12, and that in all respects the said writ and the said service thereof were duly made in accordance with law, and the said Sherman Bell and the said Bulkeley Wells appearing not, and the said Charles H. Moyer neither being present nor produced by them or either of them nor anyone for them:

Now, therefore, upon motion of E. F. Richardson, esq., appearing in behalf of the said prisoner, the said Charles H. Moyer, it is considered and ordered that, inasmuch as there is no answer to the petition or answer or return to the writ herein which can be considered by the court or the judge thereof, the said petition shall be, and it is hereby, taken to be confessed, and the facts therein stated to be and they are hereby found to be true as therein stated, that the said Charles H. Moyer be, and he is hereby ordered to be, discharged from the custody of the said Sherman Bell and Bulkeley Wells; and they and each of them, to wit, the said Sherman Bell and Bulkeley Wells, be deemed to be, and they are hereby adjudged to be, guilty of contempt against the court and the judge of the district court of the seventh judicial district of the State of Colorado, who issued the writ herein, for their disobedience thereto in not producing the prisoner, Charles H. Moyer, as therein commanded, and that an attachment issue, and it is hereby ordered to issue immediately, against the said Sherman Bell and Bulkeley Wells, directing the sheriff of the county of Ouray to forthwith arrest and commit the said Sherman Bell and Bulkeley Wells to the common jail of Ouray County, there to remain without bail until they or either of them shall obey the said writ as therein commanded, and that the said Sherman Bell forfeit and pay to the said Charles H. Moyer the sum of $500, and that the said Bulkeley Wells forfeit and pay to the said Charles H. Moyer the sum of $500, and that they and each of them shall each pay one-half of the costs of this proceeding to be taxed and let execution issue for such forfeiture and costs $500. Dated at Ouray, the day and year first above written.

THERON STEVENS,
Judge of the Seventh Judicial District.

The court declared that in its judgment there was no condition of insurrection or rebellion in San Miguel County unless such condition existed by virtue of the unlawful usurpation of power by the governor and militia.

Sheriff Maurice Corbett, of Ouray County, went to Telluride on April 13. He was met there by General Bell and Captain Wells, but both refused to be arrested. They handed the sheriff a paper declaring that, as officers called into active military service by the governor, they were while in such service "exempt and free from arrest and interference and process of the civil courts, under the law and statutes of this State."

On April 15 the State supreme court issued a writ of habeas corpus directed against General Bell and Captain Wells ordering them to produce the body of Charles H. Moyer in the supreme court at Denver on April 21. Assistant Attorney-General Hersey stated to the court that the State and military authorities had no objection to the issuance of the writ.

General Bell and Captain Wells, with an escort, brought President Moyer from Telluride, arriving at Denver on the morning of April 21. William D. Haywood, secretary-treasurer of the Western Federation of Miners, went to the railroad station to greet Mr. Moyer, but in attempting to do so he had a violent encounter with the militia. He was brought to the Oxford Hotel, where a second fight occurred. He offered resistance to being held, whereupon several soldiers beat him about the head with revolver butts until the blood ran freely. By order of the governor he was turned over to the civil authorities.

In the State supreme court, April 21, argument was heard on the Moyer habeas corpus case. Present, Chief Justice W. H. Gabbert and Justice R. W. Steele; absent, Justice John Campbell. The petitioner was represented by E. F. Richardson and J. H. Murphy, attorneys, the respondents by Attorney-General N. C. Miller, Assistant Attorney-General H. J. Hersey, and John M. Waldron, attorney. Following is a portion of the answer which was presented to the court:

> The military authorities became fully satisfied that the petitioner, Charles H. Moyer, if discharged from arrest would continue to be an active participant in keeping alive the condition of insurrection set forth in the executive order, and a prominent leader of the bands of lawless men engaged in the crimes mentioned in said proclamation and orders in the county of San Miguel; and that in order to accomplish the suppression of the state of rebellion it is, in the judgment of the said governor and the undersigned, absolutely necessary for some time to come to restrain the body of Charles H. Moyer by the National Guard of the State.
>
> That, animated solely by desire to properly discharge the duties and authority in him vested, the undersigned caused the arrest of said Moyer in San Miguel county on the 29th of March, 1904, and does detain him upon grounds of duty and authority conferred and enjoined upon the undersigned.
>
> That it is the intention of the undersigned to release the person of Moyer from military arrest as soon as the same can safely be done, and then to surrender him to the civil authorities to be dealt with in the ordinary course of justice. The exigencies of the military situation in San Miguel County imperatively require the further detention of the person of the prisoner, to prevent him from lending aid and instruction to lawless persons in further prosecution of the acts constituting a state of rebellion, and that the ends of public justice and the restoration of public tranquillity require that the reasonable further detention of Moyer shall in no wise be interfered with by the writ of habeas corpus or other judicial writ whatsoever.
>
> That the uninterrupted exercise of the military in San Miguel County, unimpeded for the time being by any judicial interference

for the accomplishment of the suppression of the rebellion, is indispensable.

That the governor of Colorado has issued orders to the undersigned not to surrender the military custody during the existence and continuing condition of affairs in San Miguel County, either upon writ of habeas corpus or otherwise, until so commanded by him.

That the respondent, Bulkeley Wells, is a subordinate officer, whose acts in the premises with reference to Moyer have been by virtue of the express commands of the undersigned.

Wherefore the undersigned respondent respectfully prays that this honorable court shall take no further cognizance in the matter of said writ of habeas corpus, save and except to quash and hold the same for naught.

SHERMAN BELL,
Brigadier-General and Adjutant-General of the State of Colorado, in the County of San Miguel.

The return and a motion to quash, as contained in a separate document, were in part as follows:

Now come the respondents to the writ of habeas corpus and file their returns, showing that the petitioner, Charles H. Moyer, is lawfully restrained of his liberty by them under the express command of the governor and commander in chief of the military forces of the State of Colorado as a military necessity, in the course of the suppression of an existing state of insurrection in the county of San Miguel, and that this honorable court ought not to exercise any further jurisdiction in the premises, and is not lawfully vested with jurisdiction to further order whatsoever in the proceedings, except to dismiss the writ from the statement of fact recited in the petition, and that the production of the body of Moyer before this court is not by way of recognition of the court to order the release of the petitioner, but solely as an act of courtesy on the part of the chief executive of the State to conform to the mandate of the writ to the extent only of duly advising the court of the cause of the detention of the prisoner.

Wherefore the respondents now respectfully challenge the power of jurisdiction of the court to make any further order whatsoever touching the further detention of Charles H. Moyer, and now move this honorable court to quash the writ and enter a final order declining to assume any further jurisdiction in the premises.

N. C. MILLER,
Attorney-General of the State of Colorado, for the Respondents.
JOHN M. WALDRON,
Special Counsel.

The answer of Mr. Moyer through his attorneys was as follows:

First. That the return upon its face fails to state facts constituting any answer to the writ of habeas corpus.

Second. That the return is wholly insufficient in law to constitute any justification whatsoever, either for the arrest, imprisonment, detention, or further detention of the petitioner.

Third. That upon the face of the return the petitioner is entitled to his discharge.

Fourth. That neither the governor of the State nor the respondents are, under any circumstances appearing upon the face of the papers in this proceeding, either authorized to arrest or continue to detain the body of the petitioner.

Fifth. That there exists no power in the governor or in Bell or Wells to suspend the privilege of the writ of habeas corpus.

Sixth. That for the reason that no authority is shown which authorizes the detention of the prisoner he is entitled to the privilege of the writ and his discharge.

Seventh. The petitioner denies that on the 23d of March, 1904, or any other time, there has been a state of insurrection, either against the government or constitution or laws of Colorado, in San Miguel County. On the contrary, the petitioner avers that the county was in a state of peace. That shortly before, an organization called the Citizens' Alliance of Telluride was brought into existence by certain mine owners, mine operators, merchants, bankers, liquor dealers, and gamblers, for the purpose of controlling the miners of that county, in violation of law, and in the supposed interests of said organizers, and to that end they organized themselves into a mob, shortly before said date, and had deported about 70 men, theretofore miners in that county.

That these miners announced their intention of returning peaceably to their homes in the county, and that to that end they would resist any further interference with their persons, and would resist any attempts at their deportation, but that their mission in returning was one of peace, and no force whatever would be used by them except in defense of their persons from attack by the said mob. Thereupon certain members of the mob, whose names are signed to the alleged petition to the governor, made the representations set forth in the return, which were a part of the plan of action agreed upon by the Citizens' Alliance, for the purpose of controlling the labor situation; that all the proceedings were part of a conspiracy of the members of the alliance.

Eighth. That as to what the said respondent Bell may believe, either in good faith or otherwise, this petitioner is not informed, but he avers that he is not responsible therefor, and has not, nor would he continue to be an active participant in fomenting any condition of rebellion. On the contrary, he has at all times been a law-abiding citizen and conducted himself at all times and in all places in strict conformity to the laws of the land, and has advised, in his capacity as president of the Western Federation of Miners, that no act of lawlessness occur upon the part of any member of the Federation, to the end that no reflection might be cast upon the organization as other than a law-abiding, peaceable, conservative, and order-loving organization, for the purpose of bettering the social and financial conditions of its various members. The petitioner avers that his incarceration is in violation of the law of the land, of the Constitution of the United States, and of the State of Colorado.

Ninth. He denies that his detention is essential to public justice or to the restoration of public tranquillity, or to the suppression of any state of insurrection, but denies that such state exists, but whether it does or not, he avers is wholly immaterial, since neither the governor nor the respondents have any power whatsoever over the writ or the supension of its privileges.

Tenth. This petitioner denies that the uninterrupted exercise of the military force of the State in San Miguel County is at all necessary, denies that they should be unimpeded by any judicial interference. On the contrary, the petitioner avers that the military force under the command of the governor and of the respondents is acting in violation of the constitution and statutes of the State, in declaring that it is superior to the civil authorities, and is authorized to act in contravention of that power, and that said power is in subordination to it. That it is violating the rights of your petitioner under the Constitution of the United States and the constitution of the State of Colorado.

Wherefore, having fully answered and replied to the said answer and return, your petitioner prays here, and now moves the court upon the face of said answer and return, that he be discharged from the custody of the respondents.

Chief Justice Gabbert announced that it was the court's desire that the full bench should hear and decide the main question, and that could not be until Judge Campbell should return. The attorney of the petitioner then requested that he be admitted to bail pending the hearing. The court took the question of bail under consideration, remanding the petitioner to the military authorities pending a decision. On the same evening, April 21, General Bell and his military forces started back to Telluride with Mr. Moyer as a prisoner.

On April 23, 1904, Adjt. Gen. Sherman M. Bell and Capt. Bulkeley Wells applied to the supreme court for a writ of supersedeas to hold in abeyance the ruling of Judge Theron Stevens requiring them to produce the body of Mr. Moyer in the district court and answer to a writ of habeas corpus, fining them $500 each and ordering their arrest and confinement in jail for contempt of court in not producing Mr. Moyer.

On April 25 the supreme court, Campbell, J., not participating, denied Mr. Moyer's application for bail, pending the settlement of the questions involved in his original application for a writ of habeas corpus, and set May 5 and 6 as the dates for hearing the original application. The opinion, written by Steele, J., said: "To admit the petitioner to bail before we have determined the main question would, it seems to us, be invading the legitimate province of the executive department, and that we are restrained from doing by the fundamental law."

On the same day the supreme court granted the application of Adjutant-General Bell and Captain Wells for a writ of supersedeas to stay the ruling of Judge Stevens against them in the first Moyer habeas corpus case. The two national-guard officers were placed under bonds of $2,000 each, and the court ruled that the case brought before Judge Stevens should remain in statu quo until the entire issue should be decided. On May 5 and 6 the supreme court heard arguments on the habeas corpus case, reserving its decision.

On May 9 the case against William D. Haywood for alleged flag desecration was heard by Justice of the Peace W. F. Hynes, at Denver. His attorney, H. N. Hawkins, admitted that Mr. Haywood had caused to be printed, posted, and distributed circulars on which was a representation of the United States flag and bearing the inscriptions on which the alleged offenses were based. Mr. Hawkins read from the State statute of 1901, which makes the use of the flag for advertising purposes a misdemeanor, and called attention to the fact that the statute does not prohibit the use of a representation of the flag, as do the statutes of New York and Illinois. The attorney moved that the proceedings be dismissed on the ground that no violation of the statutes of Colorado or the United States had been committed by the defendant. On May 13 the magistrate gave a decision in favor of the defendant.

DECISION OF THE STATE SUPREME COURT.

On June 6, 1904 (a few hours after the fatal explosion at the Independence depot), the supreme court handed down its decision in the Moyer habeas corpus case. Following is the opinion, delivered by Chief Justice William H. Gabbert, Associate Justice John Campbell concurring, Associate Justice Robert W. Steele dissenting:

In re Charles H. Moyer.—Original application for writ of habeas corpus.

On behalf of Charles H. Moyer a petition was presented, representing that he was illegally restrained of his liberty in the county of San Miguel, by Sherman Bell and Bulkeley Wells. A writ of habeas corpus was issued directed to these parties, who, on the day it was returnable, produced the petitioner in court, and at the same time made a return to the writ, whereby the jurisdiction of this court to further proceed in the matter was challenged. The averments upon which the claim of want of jurisdiction is based are to the effect that prior to the detention of petitioner His Excellency Governor Peabody, by proclamation, had determined and declared the county of San Miguel to be in a state of insurrection, and that by reason of lawlessness, disturbances, and threatened acts of violence, the civil authorities of the county were unable to cope with the situation. In pursuance of this proclamation, the governor directed respondent, Sherman M. Bell, adjutant-general of the State of Colorado, to forthwith order out such troops as in his judgment might be necessary, and report to the sheriff of San Miguel County, and that he use such means as in his judgment might be right and proper to restore peace and good order in the county and enforce obedience to the laws and constitution of the State.

In pursuance of this order, General Bell proceeded to the county of San Miguel in charge and command of members of the Colorado National Guard, and ever since has been, and now is, actively engaged in quelling the disturbances which called forth the proclamation and the executive order above referred to; that in the discharge of these duties he became convinced that petitioner had been, and if discharged would continue to be, an active participant in fomenting and keeping alive the conditions of insurrection existing in the county; that he was and is a prominent leader of those engaged in the acts of insurrection and crime, to suppress which the National Guard was called into requisition; that for these reasons he caused the arrest, apprehension, and detention of the petitioner in the county of San Miguel, and does now restrain, detain, and imprison him for the reasons and upon the grounds above set forth; that it is his purpose and intention to release and discharge petitioner from military arrest as soon as the same can be safely done with reference to the suppression of the existing state of insurrection in the county, and then surrender him to the civil authorities, to be dealt with in the ordinary course of justice, after such insurrection is suppressed.

It is further stated that the governor has issued orders and instructions to General Bell not to surrender or release the military custody of petitioner during the existence and continuing condition of affairs in the county of San Miguel, as mentioned and set forth in the proclamation and executive order of his excellency.

It is also stated that the respondent, Bulkeley Wells, is a subordinate military officer under the direct command of General Bell, and that his acts in the premises, with reference to the arrest and detention of petitioner, have been by virtue of express commands in that behalf issued to him by his superior officer. To this return is appended the certificate of Governor Peabody to the effect that the matters and things set forth in the return are true, and that the arrest and present detention of petitioner were had and done in pursuance of the authority conferred upon him by the constitution of the State; that the acts of General Bell in arresting and detaining petitioner were done by his express sanction as governor of the State and commander in chief of its military forces, and that the insurrection recited in his proclamation has not as yet been fully suppressed. To this return a reply was filed by petitioner in the nature of a general demurrer to the effect that it is wholly insufficient in law to constitute any justification whatsoever, either for the arrest, imprisonment, or further detention of petitioner. The reply also alleges that neither on the date of the proclamation and order of the governor nor at any other time has there been a state of insurrection in the county of San Miguel.

Counsel for petitioner contend that on the facts above stated he is entitled to his discharge, because the governor has no power to suspend the privilege of the writ of habeas corpus, or declare martial law, or that, if he has such power, he has not assumed to exercise it. Special counsel representing the respondents controverts these propositions, and further contends that this court is without jurisdiction to proceed further than to deny the relief demanded, or remand the petitioner to their custody. The attorney-general claims that the governor, independent of the questions of his power to declare martial law, suspend the privilege of the writ of habeas corpus, or the question of the jurisdiction of this court, is fully authorized under the constitution and laws of the State to suppress insurrection and lawless conditions through the power of the military under his command, and that his subordinate officers actively engaged in suppressing such insurrection by seizing and holding those engaged in acts of violence or in advising and aiding such acts, to suppress which the military was called out, can not be interfered with so long as conditions exist which require the action and the presence of the military to correct. Counsel amici curiæ, in their views on these several questions, are divided.

The purpose of proceedings in habeas corpus is to determine whether or not the person instituting them is illegally restrained of his liberty, and we shall proceed to determine whether or not, under the facts stated and the laws of this State, the petitioner is entitled to his discharge, without attempting to pass specifically upon the question raised by his counsel. Before proceeding, however, to a discussion and determination of this question, two propositions are presented which should be disposed of. It is urged by counsel for petitioner that certain averments in the petition for the writ are not controverted by the return. The latter is not treated as an answer to the application, but rather as a response to the writ itself. The averments of the petition are made for the purpose of obtaining the writ, and the respondent, in his answer thereto, simply seeks to relieve himself from the imputation of having imprisoned petitioner without lawful authority, and this he does, or rather, is required to do, under the law, by statements in the return from which the legality of the imprisonment is to be determined, without regard to the statements of the petition for the writ. In short, he is not required to make any issue on the petition for the writ, but to answer the writ. (In re Chipchase, 56 Kan., 357; 43 Pac., 264; Ex parte Durbin, 14 S. W. (Mo.), 821; Simmons *v.* Georgia Iron and Coal Co., 61 L. R. A., 739; In re Boyle, 57 Pac. (Idaho), 706.)

By the reply it is alleged that notwithstanding the proclamation and determination of the governor that a state of insurrection existed in the county of San Miguel, that, as a matter of fact, those conditions did not exist at the time of such proclamation or the arrest of the petitioner, or any other time.

By section 5, Article IV, of our constitution, the governor is the commander in chief of the military forces of the State, except when they are called into actual service of the United States, and he is thereby empowered to call out the militia to suppress insurrection. It must, therefore, become his duty to determine as a fact when conditions exist in a given locality which demand that in the discharge of his duties as chief executive of the State he shall employ the militia to suppress.

This being true, the recitals in the proclamation to the effect that a state of insurrection existed in the county of San Miguel can not be controverted. Otherwise the legality of the orders of the executive would not depend upon his judgment, but the judgment of another coordinate branch of the State government. (Luther *v.* Borden, 7 How., 1; Ex parte Moore, 64 N. C., 802; Martin *v.* Mott, 12 Wheat., 19.)

By the constitution the supreme executive power of the State is vested in the governor, and he is required to take care that the laws be faithfully executed. (Section 2, Article IV.) To this end he is made commander in chief of the military forces of the State and vested with authority to call out the militia, to execute the laws and suppress insurrection. (Section 5, supra.)

This authority is supplemented by the laws of 1897, page 204, section 2, whereby it is provided that when an insurrection in the State exists or is threatened, the governor shall order out the National Guard to suppress it.

These are wise provisions, for the people in their sovereign capacity in framing the Constitution, as well as the general assembly, recognized that an insurrection might be of such proportions that the usual civil authorities of a county and the judicial department would be unable to cope with it. Through the latter, parties engaged in such insurrection might be punished, but its prompt suppression could only be secured through the intervention of the militia.

Being vested with authority to employ the militia for a specific purpose, and it appearing from the return to the writ that the governor has called it into requisition for that purpose, his action through his subordinates can not be interfered with so long as he does not exceed the power which, under the fundamental law of the State and the acts of the legislature in conformity therewith, he is authorized to exercise. (1 Story on the Constitution, 434.)

The crucial question, then, is simply this: Are the arrest and detention of petitioner under the facts narrated illegal? When an express power is conferred, all necessary means may be employed to exercise it which are not expressly or impliedly prohibited.

Laws must be given a reasonable construction, which, so far as possible, will enable the end thereby sought to be attained. So with the Constitution. It must be given that construction of which it is susceptible, which will tend to maintain and preserve the Government of which it is the foundation, and protect the citizens of the State in the enjoyment of their inalienable rights. In suppressing an insurrection it has been many times determined that the military may resort to extreme force as against armed and riotous resistance, even to the extent of taking the life of the rioters.

Without such authority the presence of the military in a district under the control of the insurrectionists would be a mere idle parade, unable to accomplish anything in the way of restoring order or suppressing riotous conduct.

If, then, the military may resort to the extreme of taking human life in order to suppress insurrection, it is impossible to imagine upon what hypothesis it can be successfully claimed that the milder means of seizing the persons of those participating in the insurrection or aiding and abetting it may not be resorted to. This is but a lawful means to the end to be accomplished. The power and authority of the militia in such circumstances are not unlike that of the police of a city or the sheriff of a county, aided by his deputies or posse comitatus, in suppressing a riot. Certainly such officials would be justified in arresting the rioters and placing them in jail without warrant, and detaining them there until the riot was suppressed.—Hallett, J., In re Application of Sherman Parker. If, as contended by counsel for petitioner, the military, as soon as a rioter or insurrectionist is arrested, must turn him over to the civil authorities of the county, the arrest might, and in many instances would, amount to a mere farce. He could be released on bail, and left free to again join the rioters or engage in aiding and abetting their action, and if again arrested, the same process would have to be repeated, and thus the action of the military would be rendered a nullity. Again, if it be conceded that on the arrest of a rioter by the military he must at once be turned over to the custody of the civil officers of the county, then the military, in seizing armed insurrectionists and depriving them of their arms, would be required to forthwith return them to the hands of those who were employing them in acts of violence, or be subject to an action of replevin for their recovery, whereby immediate possession of such arms would be obtained by the rioters, who would thus again be equipped to continue their lawless conduct.

To deny the right of the militia to detain those whom they arrest while engaged in suppressing acts of violence and until order is restored, would lead to the most absurd results.

The arrest and detention of an insurrectionist, either actually engaged in acts of violence or in aiding and abetting others to commit such acts, violates none of his constitutional rights. He is not tried by any military court or denied the right of trial by jury, neither is he punished for violation of the law, nor held without due process of law. His arrest and detention in such circumstances are merely to prevent him from taking part or aiding in a continuation of the conditions which the governor, in the discharge of his official duties and in the exercise of the authority conferred by law, is endeavoring to suppress. When this end is reached, he could no longer be restrained of his liberty by the military, but must be, just as respondents have indicated in their return to the writ, turned over to the usual civil authorities of the county, to be dealt with in the ordinary course of justice, and tried for such offense against the law as he may have committed. It is true that the petitioner is not held by virtue of any warrant, but if his arrest and detention are authorized by law, he can not complain because those steps have not been taken which are ordinarily required before a citizen can be arrested and detained.

Nor do those views conflict with section 22 of the Bill of Rights, which provides that the military shall always be in strict subordination to the civil power.

The governor, in employing the militia to suppress an insurrection, is merely acting in his capacity as the chief civil magistrate of the State, and although exercising his authority conferred by the law through the aid of the military under his command, he is but acting in a civil capacity. In other words, he is exercising the civil power vested in him by law through a particular means which the State has provided for the protection of its citizens. No case has been cited where the precise question under consideration was directly involved and determined, but in cases where the courts have had occasion to speak of the authority of the military to suppress insurrection and the means which may be employed to that end, it has been stated that parties engaged in riotous conduct render themselves liable to arrest by those engaged in quelling it. In re Kemp, 16 Wis., 382 (413); Luther *v.* Borden, supra; Johnson *v.* Jones, 44 Ill., 142.

The same rule necessarily applies to those found in the zone of the disaffected district who are aiding and abetting the insurrectionists, for such conduct, unless repressed, would result in the continuation of the insurrection, or, at least, render it more difficult to suppress.

We therefore reach the conclusion that, independent of the questions of the authority of the governor to declare martial law, or suspend the privilege of the writ of habeas corpus, that the petitioner, on the showing made by the return, is not illegally restrained of his liberty. In reaching this conclusion we are not unmindful of the argument that a great power is recognized as being lodged with the chief executive, which might be unlawfully exercised. That such power may be abused is no good reason why it should be denied. The question simply is, does it exist? If so, then the governor can not be deprived of its exercise. The prime idea of government is that power must be lodged somewhere for the protection of the commonwealth. For this purpose, laws are enacted and the authority to execute them must exist, for they are of no effect unless they are enforced. Neither is power of any avail unless it is exercised. Appeals of a possible abuse of power are often made in public debate. They are addressed to popular fears and prejudices, and often given weight in the public mind to which they are not entitled. Every government necessarily includes a grant of power lodged somewhere. It would be imbecile without it. (1 Story on the Constitution, par. 425; 1 Bailey on Jurisdiction, par. 296, p. 309.)

Many authorities have been cited by counsel for petitioner which it is not necessary to attempt to review. They are not in conflict with the conclusions reached in this case. They treat of the power of the President to declare martial law, to suspend the privilege of the writ of habeas corpus; of the authority of the military to arrest, try, and punish persons not actually in the military service, and when the military may or may not temporarily supersede the usual civil authorities. None of these questions are involved in the present case. In fact, counsel for petitioner practically concede that the questions of the authority of the governor to declare martial law and suspend the writ of habeas corpus are not involved, because, they say, if he has such authority he has not assumed to exercise it; but it is immaterial what power in this respect may be vested in the governor, or whether he has, in fact, attempted to declare martial law or suspend the writ of habeas corpus. The petitioner was lawfully arrested by the military authorities while the work of suppressing the insurrection in San Miguel County was in progress. Such arrest being lawful, his restraint by respondents until it is suppressed is not illegal.

The writ is discharged and the petitioner remanded to the custody of the respondents.

Writ discharged and petitioner remanded. Steele, J., dissents.

It will be noticed that the court did not pass specifically upon the questions relating to the right of the governor to declare martial law or to suspend the writ of habeas corpus. The point mainly considered by the court was: Were the arrest and detention of the petitioner, under the facts recited, illegal? The decision being in the negative, its practical effect was that Mr. Moyer should remain as a military prisoner at Telluride until Governor Peabody should abolish military rule there. On June 8 Attorney-General N. C. Miller gave out an interview in which he said:

The supreme court has given the governor all the authority necessary to suppress insurrection, but not the power to suspend the privilege of the writ of habeas corpus. If the governor had the right to suspend the privilege of the writ of habeas corpus, this would forbid all inquiry into the causes of arrest and detention.

On June 11 a petition for a rehearing in the Moyer habeas corpus case was filed in the supreme court. Eight reasons why there should be a rehearing were presented, as follows:

First. That the said opinion and decision is in violation of the rights guaranteed the petitioner by the Constitution of the United States.

Second. That said opinion and decision is in violation of the fourteenth amendment of the Constitution of the United States, in that it abridges the privileges and immunities of the prisoner, who is a citizen of the United States, as guaranteed by that amendment.

Third. That said opinion and decision is in violation of the fourteenth amendment to the Constitution of the United States, in that it deprives the petitioner of his liberty without due or any process of law.

Fourth. That said opinion and decision is in violation of the fourteenth amendment to the Constitution of the United States, in that it denies to the petitioner the equal protection of the law.

Fifth. That said opinion and decision is in violation of the fourth amendment to the Constitution of the United States, in that it deprives the petitioner of the security of his person without due warrant or other process of law.

Sixth. That said opinion is in violation of the fifth amendment to the Constitution of the United States, which provides that no person shall be deprived of his liberty without due process of law.

Seventh. That said opinion and decision is in violation of the sixth amendment to the Constitution of the United States, which provides that one accused of crime shall be entitled to a speedy trial by jury.

Eighth. That said opinion and decision is in violation of the sixth amendment to the Constitution of the United States, which requires that the petitioner be informed of the nature and cause of the accusation against him.

On June 15 E. F. Richardson, attorney for Moyer, secured from Judge Amos M. Thayer, of the United States circuit court of the eighth circuit, sitting at St. Louis, Mo., in and for the district of Colorado, a writ of habeas corpus, which ordered that Governor Peabody, Adjutant-General Bell, and Captain Wells should, on July 5, produce the body of Moyer before that tribunal and show cause why he should not be given his liberty.

On the same day, June 15, Governor Peabody ordered that Capt. Bulkeley Wells, in command of the militia at Telluride, should relieve from active duty at 9 p. m., on that day, all soldiers at that place. By command of Governor Peabody, Adjutant-General Bell ordered Captain Wells to turn over all military prisoners, including Charles H. Moyer, to the sheriff of San Miguel County at Telluride, at the hour of 8.59 p. m. on the same day. This order was obeyed by Captain Wells, but on the same day, June 15, and before the delivery of Moyer to the sheriff of San Miguel County, the latter was requested by Edward Bell, sheriff of Teller County, to hold Moyer on the charge of insurrection and conspiracy, based on the fatal explosion in the shaft of the Vindicator mine in November, 1903. On June 17 the district attorney at Telluride dismissed the charges of flag desecration against Moyer. On June 18 Moyer was taken to Cripple Creek by two deputy sheriffs who had come from Teller County bearing a warrant for his arrest.

DISSENTING OPINION.

In the State supreme court, on July 1, the dissenting opinion of Justice Robert W. Steele was handed down. Extracts therefrom follow:

The authority is overwhelming that the position of the governor can not be sustained; that the power of suspending the privilege of the writ of habeas corpus is legislative and not executive; that martial law can only prevail in places where the civil law is overthrown by force, and that it exists only so long as it is necessary to reinstate the courts; that martial law can not prevail where the courts are open and exercising their functions; that the judicial department will take notice whether the courts are open or have been overthrown by superior force. * * *

I believe that the Constitution has been "unnecessarily assailed and rudely violated" by the head of the executive department, and I further believe that this court has removed the landmarks which our fathers have set, and my duty requires me to withhold my approval. * * *

It is held by the court that as the governor, under the constitution, is empowered to suppress insurrection or repel invasion, the recitals in his proclamation that an insurrection exists can not be controverted, because it becomes his duty to determine as a fact when a condition exists that demands the exercise of his power, and that the judicial department can not substitute its judgment for that of the executive department in matters calling for the exercise of discretion. As I have before stated, I do not regard the proclamation as of great importance. It does not seem to me to be necessary to proclaim an insurrection before undertaking to suppress it, and I am satisfied that a proclamation is not a condition precedent to the exercise of the power. * * *

The court has not construed the constitution; it has ignored it, and the result is that it has made greater inroads on the constitution than it intended, and that not one of the guarantees of personal liberty can now be enforced. * * *

When the court says that, because the governor is the head of the executive department of the State, that when he takes command of the military forces he is still at the head of the civil power, and that the section of the bill of rights that declares "that the military shall always be in strict subordination to the civil power" has no other meaning than that the military shall always be under the command of the governor, it is simply annulling that section of the bill of rights. The section referred to must have some meaning. It can have no meaning if it is construed as the court construes it. I think it has a meaning. The language used is not obscure or ambiguous. It undoubtedly means that the civil power shall control at all times, in war and in peace. The Supreme Court of the United States has said that the attempt to make the military independent of and superior to the civil power by the King of Great Britain was deemed by our fathers such an offense that they assigned it to the world as one of the causes which impelled them to declare their independence (4 Wall., 2.)

Again the court says: "To deny the right of the militia to detain those whom they arrest while engaged in suppressing acts of violence and until order is restored, would lead to the most absurd results."

This sentence inflicts a fatal wound upon civil liberty, suspends indefinitely the privilege of the writ of habeas corpus, annuls that section of the Constitution which declares that no person shall be deprived of liberty without due process of law, and characterizes the declaration of the Supreme Court of the United States as an absurdity.

I say this because the opinion declares that the governor is the sole judge of the conditions which impel him to call forth the militia, and to withdraw it, and of the necessity to imprison and detain; and this without regard to the guilt or innocence of the person imprisoned. * * * I know of no authority that vests in the governor the power to arrest one who he may think will commit an offense. No such power is granted by the Constitution nor bestowed by statute. * * *

Moyer may be guilty of the most heinous offenses. It may be that he deserves to linger in prison the remainder of his natural life, but he is entitled to his liberty unless some one, in proper form and before a proper tribunal, charges him with violation of the law. But the court says he is held by due process of law. Whatever war power the governor may have, this power is not due to process of law. * * *

Again, the court says: "If, then, the military may resort to the extreme of taking human life in order to suppress insurrection, it is impossible to imagine upon what hypothesis it can be successfully claimed that the milder means of seizing the persons of those participating in the insurrections or aiding and abetting it may not be resorted to."

The power to take the life of an insurgent does not include the power to take the life of a person not an insurgent. And, if that be true, then by the process of reasoning that the court adopts, if the military authorities may not take the life of one not an insurgent, they may not imprison a person who is not an insurgent. * * *

The decision has applied the articles of war to conditions that do not justify their application. Whatever may be said of the deplorable condition of San Miguel County that resulted in foul assassinations, in murder, and in plunder, so revolting to the law-abiding citizen, these conditions were past at the time the petitioner was taken there. The civil authorities of the county, with the aid of the military, had full possession and control, and if the petitioner was in any way implicated in the commission of these foul crimes it should have been so charged. * * *

If one may be restrained of his liberty without charges being preferred against him, every other guarantee of the Constitution may be denied him. * * * The constitutional privileges are not, in the nature of things, separable. It was intended by our fathers that all should be inviolable except one, and that to be suspended by the legislature only in case of great emergency. Martial law exists or it does not exist. When it exists there is no civil law. Martial law and civil law can not exist together. If the civil law can enforce one guarantee, it can enforce all. If the civil law is overthrown, it is powerless to enforce any right. When martial law does not prevail, unless the privilege of the writ of habeas corpus is suspended, every right guaranteed by the Constitution is enforceable, and the Constitution is violated, rudely violated, when one is deprived of liberty without due process of law.

Habeas corpus is the proper remedy to release from arbitrary arrest, and unless its privileges have been suspended, one is not subject to arrest on suspicion merely, and detention beyond the time fixed by statute for the return of the writ. As the privilege of the writ has not been suspended, as the courts are open, as martial law does not prevail, and as no charge has been preferred against the petitioner, he should be discharged. * * *

When we deny to one, however wicked, a right plainly guaranteed by the Constitution, we take that same right from every one. When we say to Moyer: "You must stay in prison, because if we discharge you you may commit a crime," we say that to every other citizen. When we say to one governor, "You have unlimited and arbitrary power," we clothe future governors with that same power. We can not change the Constitution to meet conditions. We can not deny liberty to-day and grant it to-morrow; we can not grant it to those theretofore above suspicion and deny it to those suspected of crime, for the Constitution is for all men—"for the favorite at court, for the countryman at plow"—at all times and under all circumstances.

We can not sow the dragon's teeth and harvest peace and repose; we can not sow the wind and gather the restful calm.

Our fathers came here as exiles from a tyrant king. Their birthright of liberty was denied them by a horde of petty tyrants that infested the land—sent by the king to loot, to plunder, and to oppress. Arbitrary arrests were made, and judges aspiring to the smile of the prince refused, by "pitiful evasions," the writ of habeas corpus. Our people were banished; they were denied trial by jury; they were deported for trial for pretended offenses, and they finally resolved to suffer wrong no more, and pledged their lives, their property, and their sacred honor to secure the blessings of liberty for themselves and for us, their children. But if the law is as this court has declared, then our vaunted priceless heritage is a sham, and our fathers stood "between their loved homes and the war's desolation in vain."

On July 4, Sheriff Edward Bell, of Teller County, brought Charles H. Moyer to Denver that he might furnish bail, fixed at $10,000. Mr. Moyer had been arrested on March 26, and was constantly confined from then until July 5, when he was released on a bond furnished by a fidelity and guarantee company. Warrants charging the same crime (complicity in the fatal explosion at the Vindicator mine) were served also on J. C. Williams, vice-president, W. D. Haywood, secretary-treasurer, and other officers of the Western Federation of Miners, and each was released on furnishing a $10,000 bond assured by the same company.

A silent indorsement of the official acts of President Moyer was given in the annual convention of the Western Federation of Miners on June 7, when officers were elected. Section 1 of Article III of the constitution of the Federation provides:

> The officers of the Federation shall consist of a president, a vice-president, a secretary-treasurer, and an executive board of nine members, including the three general officers before named, of whom the president shall be chairman, all of whom shall be elected from the delegates present by a majority of the votes cast at each annual convention, and shall hold office until their successors are duly elected and qualified and enter upon the duties of their office.

President Moyer being in a military prison, the delegates simply refrained from making any nomination for the office, the effect of which was to continue him as the duly qualified head of the organization. During the period of his confinement in prison, his official duties were attended to by Vice-President J. C. Williams, of Grass Valley, Cal., who was reelected on June 7.

In the United States circuit court at St. Louis, July 5, Attorney-General Miller filed a return to the writ of habeas corpus which had been issued by Judge Thayer on behalf of Moyer. The answer of the respondents alleged that at no time since the writ had been served upon them had Moyer been in their custody, and therefore it was not within their power to produce him in this court.

CHAPTER XXVI.

THE DYNAMITE HORROR AT THE INDEPENDENCE DEPOT.

At Independence station on June 6, 1904, a dastardly crime was committed, resulting in great loss of life. About 25 of the night-shift men from the Findley mine and 2 from the Deadwood property, all nonunion men, having quit work about 2 a. m., went to the station of the Florence and Cripple Creek Railroad, on the south slope of Bull Hill, to take a suburban train due at 2.15 a. m., to convey them to their homes. Most of them were in the waiting room or on the platform of the station when the whistle of the engine of the approaching train was heard. Immediately following there was a tremendous explosion beneath the depot. The building was badly wrecked, though not entirely demolished. Thirteen men were killed. In some cases the bodies were so badly mutilated that it was difficult to identify them. Arms, legs, and other portions of bodies were thrown several hundred feet. In addition, 6 men were badly wounded. The explosion was caused by probably 150 to 200 pounds of dynamite, which had been placed beneath the platform of the depot. This explosion was undoubtedly set off by some person at the end of a wire about 100 yards from the depot. About 75 yards of wire were found, and the end farthest from the depot was wound around the rung of a chair, which the dynamiter doubtless used for a purchase in pulling the wire to set off the infernal machine. Near the depot was found a portion of a revolver. It is believed that the wire was attached to the trigger of the revolver, and that when it was pulled a bullet was discharged which struck the dynamite and exploded it. No other clues have ever been found.

A message announcing the outrage was telephoned to the Cripple Creek police station. The police informed James S. Murphy, manager of the Findley mines, who lived at the National Hotel, and who at once notified A. E. Carlton, principal owner of the mine, and Sheriff H. M. Robertson. The latter summoned all the deputy sheriffs with whom he could communicate. At 3.30 a. m. a party consisting of those named and a number of deputies, police officers, city detectives, doctors, and nurses left Cripple Creek on an engine of the Midland Terminal Railway. When they arrived at Independence they found that the dead and injured had been taken on a train to Victor. The injured were removed from the train to the Victor and the Red Cross hospitals, while Coroner M. J. Doran took charge of the dead.

About 9 a. m. Manager James S. Murphy, of the Findley mine, and Maj. H. A. Naylor, of the State militia, called at Coroner Doran's office and demanded that he deliver all the bodies to J. H. Hunt, an undertaker. This Mr. Doran refused to do, whereupon he was told by Mr. Murphy and Major Naylor that if he did not do so the local militia would remove the bodies. The local militia had assembled at its armory at an early hour that morning, awaiting orders in accordance with the following order telegraphed from Denver:

General Order, No. 210. ADJUTANT-GENERAL'S OFFICE,
State of Colorado, June 6, 1904.

Capt. H. G. Moore, commanding Company L, Second Infantry, National Guard of Colorado, will immediately mobilize his command at armory hall, Victor, Colo., and hold himself, together with his command, in readiness to respond to any call for assistance, either from the mayor of the city of Victor or the sheriff of the county of Teller, State of Colorado, in accordance with section 3, Article VII, laws and regulations of the National Guard of Colorado.

By command of the governor:

SHERMAN M. BELL,
Brigadier-General, Adjutant-General, State of Colorado.

Believing that further refusal would cause serious trouble, Coroner Doran released the bodies, and they were taken to Hunt's. Mr. Murphy later explained that his action was prompted by the remark of Mr. Doran that "an accident" caused the death of the men. Coroner Doran subsequently explained that while he made the remark that "it was an awful accident," he had used the expression by force of custom, and that he did not believe it was an accident and wished to be so understood.

Upon his arrival at the Independence depot Sheriff Robertson questioned the men who were at the depot and were not killed, and also questioned the crew of the train that had been approaching at the time of the explosion. His deputies visited the people living in the vicinity and questioned them, but from none of these sources was any information of value elicited. The sheriff caused ropes and wires to be stretched around the depot to exclude the public, and searched the premises for clues. He also telegraphed to other counties for bloodhounds. Early in the day he swore in about 100 deputies.

This diabolical outrage was attributed by many people to members of the Western Federation of Miners, and by some to the organization itself. It caused intense excitement and led on the same day to a fatal riot on the streets of Victor and to various officers of the county and officers of cities and towns in the Cripple Creek district being forced to resign.

CHAPTER XXVII.

DISTURBANCES AT VICTOR.

The news of the dynamite outrage at Independence early on the morning of June 6, 1904, caused great indignation when it became known throughout the Cripple Creek district, and as the day advanced there were increasing evidences of a high state of feeling. The managers of the mines and samplers ordered them closed. All of the larger mines closed, except the Portland. The idle miners, many of them bearing arms, congregated in the streets of Victor or visited the scene of the explosion at Independence. Sheriff Robertson ordered that all saloons in Cripple Creek, Victor, and Goldfield be closed. Shortly after 1 p. m. a meeting of mine managers was held at the Military Club, in the Armory Building at Victor, and they decided upon drastic measures. A committee of mine owners left the club rooms, found Sheriff Robertson, and informed him that the mine owners desired to have a meeting with him. Robertson accompanied them, and when he was inside the club rooms his resignation as sheriff was demanded. He refused to tender it, whereupon guns were produced, a coiled rope was dangled before him, and on the outside several shots were fired. He was told that unless he resigned the mob outside the building would be admitted, and he would be taken out and hanged. He then signed a written resignation which had been prepared by the committee. On the demand of this committee of mine owners the three county commissioners, after some demur, appointed as sheriff Edward Bell, the first assessor of the county and a member of the Mine Owners' Association. Undersheriff J. Knox Burton reported to Sheriff Bell, who informed him that he had no use for his services and relieved him of his star. The newly appointed sheriff appointed his own undersheriff and about 100 deputies. The new undersheriff was L. F. Parsons, who was secretary of the Citizens' Alliance and continued to be after his appointment, which was made on June 9.

Michael O'Connell, city marshal of Victor, began swearing in a force of deputy marshals. To this F. D. French, mayor of Victor, objected, because he considered that the appointment of deputies would intensify the feeling which existed among the people in regard to the outrage at Independence. Groups of armed and angry men, both union and nonunion men, assembled on the streets, and the situation became more strained every minute. Marshal O'Connell appointed about 100 deputies, and with them marched to a vacant lot at the corner of Fourth and Victor avenues to prevent a mass meeting of citizens which it was proposed to hold there. Learning of this, Mayor French sent for him, and after a heated interview removed him from office and revoked the commissions of the deputies. The mayor alleged that many, if not all, of such commissions had been issued to union men. Mayor French then appointed Maj. H. A. Naylor as O'Connell's successor.

RIOTING IN THE STREETS.

A crowd of several thousand persons, including some women and children, assembled at the corner of Fourth and Victor avenues. C. C. Hamlin, secretary of the Mine Owners' Association, attended by Sheriff Bell and S. D. Crump, attorney of the Mine Owners' Association, went to that place. Mr. Hamlin climbed upon a wagon and began making a speech. He denounced the dynamite outrage in unmeasured terms, and declared that the district should be purged of Western Federation influences, and that the nonunionists and their sympathizers should do it. Among other things he said, "The badge of the Western Federation of Miners is a badge of murder, and everyone who is responsible for the outrage at Independence should be driven from the district."

At this juncture, Alfred Miller, a union miner, armed with a rifle, interrupted Mr. Hamlin and asked him to whom he referred. A brother of the union man, Christopher Miller, who had been a deputy sheriff under Robertson, was standing near, and, fearing trouble, seized Alfred Miller's gun and tried to wrest it from him. This act was misinterpreted by the crowd, and instantly a riot was started. Twenty or more shots were fired, and the crowd scattered, seeking places of safety. When the firing ceased it was found that seven men had been shot, two of them fatally. Roscoe McGee and John Davis were the two men who were fatally injured.

MILITIA CALLED OUT.

The first shot fired was the signal for calling out Company L, composed of about 50 men. This signal was given by Sheriff Bell. Lines of soldiers were thrown around the miners' union hall, and a squad of soldiers was stationed on the roof of the building directly across the street from the hall.

In this hall there were then about 50 union miners. A second riot then started. Accounts differ, but it seems that there were two men on the roof of the hall; that one of them, standing behind a chimney, fired the first shot; that this shot was fired at the militia; that a soldier then fired at the men on the roof; that several shots then came from the windows of the hall, and that the soldiers in the opposite building then fired a volley. For nearly an hour there was a continuous exchange of shots between the soldiers and the barricaded miners. When three of the miners had been wounded, the miners displayed from the window a flag of truce, and surrendered. The wounded were taken to the Red Cross Hospital; the others were taken to Armory Hall and placed under a strong guard. On their persons and in the hall were found 35 rifles, 7 shotguns, and 39 revolvers. The windows of the hall had been shattered by the missiles, and after the firing was over the crowd rushed in and wrecked the furniture and union library.

Squads of soldiers, deputy sheriffs, and armed citizens scattered over the district and arrested union members. About 175 were captured and taken to "bull pens" at Victor, Independence, and Goldfield. Among them was Michael O'Connell, the deposed city marshal, and the managers and clerks of the union stores at Victor, Cripple Creek, Goldfield, and Anaconda. All of these stores were closed and many of the goods in the stores at Victor and Cripple Creek and all goods in the smaller stores at Goldfield and Anaconda were taken or destroyed. The office of the Victor Record was visited and the whole force, including the editor, George E. Kyner, was arrested, but later was released. Banks kept their doors closed, and business generally was suspended in Victor. Even in Cripple Creek the proprietors of many stores closed them, fearing further rioting, while, by order of Sheriff Bell, all saloons in the whole district were kept closed until the morning of June 13, one week after the explosion.

CIVIL OFFICERS DEPOSED.

As previously related, Sheriff Robertson was forced to resign, and Marshal O'Connell, of Victor, and Undersheriff Burton were dismissed on June 6. During the next day or two many civil officers in the Cripple Creek district were deposed, including Coroner M. J. Doran; Marshal W. J. Graham, of Cripple Creek; Night Marshal Fred. Harding, of Cripple Creek; Justice of the Peace J. P. Thomas, of Cripple Creek; Justice of the Peace David Kelley, of Cripple Creek; Aldermen J. W. Murphy and J. J. Tobin, of Victor; Police Judge Michael Gibbons, of Victor; Night Marshal Michael Lamb, of Victor; Jailer James Printy, of Victor; Marshal Harvey Starbuck, of Independence; Marshal J. J. Brothers, of Goldfield; Night Marshal Robert McCarthy, of Goldfield; Marshal E. E. Scott, of Anaconda, and several members of the city council of Anaconda. The marshals were accused of arming union miners as deputies to fight the militia. A number of those mentioned, including Robertson, O'Connell, Doran, Starbuck, and Brothers, were members of the Western

Federation of Miners. A number of them, including Robertson, O'Connell, and Doran, were placed in the "bull pen."

All six of the aldermen of Goldfield—J. F. Daugherty, Arthur Childers, Christopher Miller, M. D. Morrison, A. J. Burke, F. D. Kelley—were members of the Federation. On June 8 all these save Kelley were placed in the "bull pen," leaving Goldfield without a legislative body free to act. On June 11 the five imprisoned aldermen were taken from the "bull pen" at Victor to Goldfield where they were required to tender their resignations, after which their places were filled by persons who were approved by the Citizens' Alliance. The city clerk, treasurer, and street commissioner, as well as the marshal of Goldfield, were also required to resign, and their offices were filled by other men chosen virtually by the Citizens' Alliance and the Mine Owners' Association.

On June 7 a committee of mine owners demanded of District Attorney Henry Trowbridge that he dismiss his deputy, J. C. Cole, and appoint S. D. Crump. Mr. Crump was the attorney of the Mine Owners' Association. On June 15 Mr. Trowbridge complied with this demand.

Justice of the Peace C. M. Herrington, of Cripple Creek, was requested to resign, and he signed a resignation, but the county commissioners refusing to act upon it, he continued to hold the office.

When the miners in the union hall surrendered on the afternoon of June 6, the records of Union No. 32 at Victor were seized, also about 40 photographs. Afterward the books and records of Union No. 19 at Altman and Union No. 21 at Anaconda were seized, and all of these books, records, and photographs were taken to the headquarters of the Mine Owners' Association in Cripple Creek.

The photographs were of groups of men employed in various mines. Over the picture of each nonunion man was placed a number, and on the back of the photograph was written the name of the man with the corresponding number. One of the photographs represented the night shift of the Vindicator mine, about 20 men. On this photograph five men were numbered, viz, Charles H. McCormick, Melvin Beck, Alex. Ban, William Ramsey, and Joseph Permort. The names of McCormack and Beck were scratched over, being the only ones scratched. These were the two men who were killed in the shaft of the Vindicator mine on November 21, 1903. The mine owners and members of the Citizens' Alliance claimed that this photograph was evidence that these two men had been marked for killing, and that the collection of photographs was evidence of a conspiracy of union miners to assassinate nonunion miners and mine owners.

Officers of the Western Federation of Miners explain that these photographs were used for making up scab lists, which have been published by the Federation at irregular intervals. One of these lists printed in poster form, 11½ by 20 inches, begins thus:

WHAT IS A SCAB?

A scab is to his trade what a traitor is to his country, and though both may be useful in troublesome times, they are detested by all when peace returns. A scab is the last to contribute assistance when help is needed, and the first to grasp benefits he never labored to procure. He cares only for himself; he sees not beyond the extent of a day, and for a monetary consideration he would betray his friends, family, and country. In short, he is a traitor on a small scale, who first sells the working man, and is himself afterwards sold, in his turn, by his employer, until at last he is despised by both and detested by all. He is an enemy to himself, to the present age, and to posterity.

Remember these names and faces. You will meet them again.

The poster contains 30 portraits, accompanied with descriptions of 30 men. Following is a sample description:

No. 15, E. R. S——.
Height, 5 feet 7 inches.
Weight, 160 to 165 pounds.
Age, 25 to 30 years.
Eyes, gray.
Complexion, light.
Nose, normal.
Nationality, American.
Hair, light, straight.
Remarks: Single man; has light, small mustache at times; dresses neatly.
Strong mine, C. C. D., Nov., 1903.

This poster issued in December, 1903, bears at the bottom the words: "For further information, address the secretary District Union No. 1, W. F. M., Cripple Creek, Colorado. Second edition; more coming."

Bloodhounds, for which Sheriff Robertson had telegraphed on the morning of June 6, arrived from Canon City and Trinidad on the evening of that day. Accounts differ as to the trails pursued by these hounds. One account is that a dog from Trinidad, after scenting the chair rung and wire attached to it, used to produce the dynamite explosion, started off in the direction of the Vindicator mine, in charge of its owner, Hugh Pfalma, and Constable John Meany; that Ira Blizzard telephoned to K. C. Sterling, a detective, for the Mine Owners' Association, and told him the dog was following the trail, and that Sterling answered that it was useless to follow the trail as he knew who the dynamiter was. Another account is that later Sheriff Bell ordered the hound to be put on the trail again; that this was done, and that the dog went past the Findley sampler, around Bull Hill, through a stretch of woods, back through the woods, then to the main wagon road leading to Cripple Creek. The trail, it is said, zigzagged across the road and among the brushes on the sides of the road, and reached the old Cheyenne stage road to Colorado Springs. At one place, according to this account, the trail led through a swamp, and there the footprints of the fleeing fugitive could be plainly seen. The chase led to a point near McCarthy's ranch, 12 miles from Independence, where the dog suddenly stopped. Some one—friend or otherwise—it was thought had here taken the miscreant into a vehicle, and the dog could no longer follow the trail.

Coroner Doran having been forced to resign on the afternoon of June 6, George A. Hall was immediately appointed in his stead. On the morning of that day Mr. Doran had appointed a coroner's jury, the members of which visited the scene of the explosion at noon. On June 9 Coroner Hall decided that he would not permit the jury impaneled by ex-Coroner Doran to continue the inquest, so it was dismissed and he appointed a new coroner's jury. This jury examined seventeen witnesses and on June 10 returned the following verdict:

COUNTY OF TELLER, *State of Colorado, ss:*

An inquisition holden at Cripple Creek, in Teller County, State of Colorado, on the 9th and 10th days of June, A. D., 1904, before George A. Hall, coroner of said county, upon the bodies of Gus Augustine, Arthur Muhleisen, Henry Haag, Herbert McCoy, William Shanklin, Edward Ross, and others there lying dead, by the jurors whose names are hereunto subscribed by said jurors, upon their oaths do say that said persons came to their deaths by an explosion of dynamite or other explosive at the Florence and Cripple Creek Railroad depot, at or near the town of Independence, Teller County, Colo., on the morning of June 6, 1904, about 2.30 o'clock.

We further find that the said explosives were exploded by an infernal machine purposely and willfully set and discharged by some person or persons to your jury unknown for the purpose of willfully, maliciously and feloniously killing and murdering said persons and others; that said crime is one of similar crimes designed and executed in the Cripple Creek district during the past few months and perpetrated for the purpose of killing and intimidating nonunion men and thereby preventing them from working; that said crimes are the result of a conspiracy entered into by certain members of the Western Federation of Miners and known, incited, and furthered by certain officers of that organization.

Part of the testimony was taken in secret session, behind closed doors.

E. C. NEWCOMB, *Foreman.*
W. E. PRUETT, *Clerk.*
C. D. HALL.
R. L. DAVIDSON.
W. F. ROCK.
L. KINGSTON.
GEORGE A. HALL, *Coroner.*

This verdict, charging that the dynamite explosion at Independence and other felonies were the result of a conspiracy entered into by members of the Western Federation of Miners, and known, incited, and furthered by certain officers of the Federation, aroused great indignation among members of that organization. They vehemently repudiated the accusations and insinuations. They alleged that for a month before the explosion peace had reigned in the Cripple Creek district, and that there was a probability of the Federation winning the strike. They openly charged that the outrage at Independence was planned in the interest of the Mine Owners' Association, to prevent the strike being settled favorably to the union. However, they did not charge that the loss of life, or such great loss of life as happened at Independence, was intended, but expressed the opinion that the great fatality was the result of a miscarriage in the plans. They alleged that the mine owners desired that some such occurrence as this outrage should happen, so that the militia would be recalled, and so that public sentiment would be aroused against the Federation and would justify the driving away from the district of all members of that organization. They further argued that no officer, member, or friend of the Federation would have plotted such a crime while the Moyer habeas corpus case was still pending in the supreme court; that it was generally believed that the court would decide in favor of President Moyer, and that the commission of such a crime by a member of the Federation would, if proven, place a stigma upon the organization and rob it of the prestige and benefit which it expected to derive from the decision, and make it the object of public hatred. This decision was, in fact, handed down in Denver on the morning of June 6, a few hours after the dynamite explosion at Independence.

On June 6, District Union No. 1 (the Cripple Creek district union) of the Western Federation of Miners, issued a statement, in part as follows:

> No man who deserves to live could or would approve the awful deed. The fiends who planned and carried out the devilish crime should be detected and punished to the full need of the guilt. This crime must be unearthed and the perpetrators punished. The committee and all local members of the Western Federation of Miners are ready and willing to assist in uncovering the guilty ones. We will use every endeavor to assist the authorities in their efforts, and we here tender the services of all our members. We will also join in the offering of a suitable reward for the arrest and conviction of the guilty persons.

On June 7 the Western Federation of Miners, in annual convention at Denver, offered a reward of $5,000, and on June 16 the board of county commissioners of Teller County offered a reward of $10,000 for evidence which would lead to the arrest and conviction of the criminal who had perpetrated the outrage at Independence.

A pamphlet issued by the Federation answered a pamphlet issued by the Mine Owners' Association, charging the Federation and members of the Federation with the commission of sundry crimes. This pamphlet refers to the fact that H. H. McKinney had testified in court that he and another man had withdrawn spikes from rails on the Florence and Cripple Creek Railroad in order to wreck a train in

November, 1903, and that he had been hired to do the job by a detective of the Mine Owners' Association. The pamphlet further says:

> McKinney was at liberty when the explosion occurred at the Independence depot, and was seen passing Simm's ranch at 8 o'clock that morning. Who could have had the strongest motive for bringing about the explosion at the Independence depot? The military had been withdrawn at the time of the explosion, and everything looked promising that the Federation would win the strike. It was openly admitted that the output from the mines was far from being satisfactory. A decision was pending in the supreme court and the Federation was expecting results from that decision. The convention of the Federation was then in session and the convention appointed a committee to investigate conditions in the Cripple Creek district. The report of that committee left no room in the minds of the delegates in the convention that the Federation would eventually win the strike; that but few of the mines were paying expenses, and the four cooperative stores established by the Federation were virtually doing the business of the district. Under these circumstances the Federation could possibly have no motive to use dynamite or to destroy human life. It is a well-remembered fact that bloodhounds were brought to the district; that they followed a trail leading to the home of Detective Bemore, who was in the employ of the Mine Owners' Association. They were then taken back to the scene of the disaster and again followed the trail to Bemore's home. A third attempt was made with the hounds and they followed a trail to the powder magazine of the Vindicator mine.
>
> The civil authorities then in office were discovering a clew that would lead to the detection of the perpetrator or perpetrators of the crime, and it was then that steps were taken for the calling of a meeting of the mob at Victor, by which the civil authorities might be deposed, in order that the hand of the Mine Owners' Association in the explosion might not be exposed. The civil authorities were deposed by the mob, acting under the influence of the incendiary utterences of C. C. Hamlin, the secretary of the Mine Owners' Association.

On June 27, Coroner Hall impaneled a coroner's jury to investigate the riots in the streets of Victor, which had occurred on June 6. This jury met behind closed doors, and, on July 1, returned the following verdict:

> An inquisition holden at Cripple Creek, Teller County, State of Colorado, on the 27th to the 30th days of June, 1904, before George Hall, coroner of this county, upon the bodies of Roscoe McGee and John Davis, by the jurors whose names are hereunto subscribed, said jurors, upon their oath do say:
>
> First. The jury finds that said Roscoe McGee came to his death in the city of Victor, in the county and State aforesaid, on the 6th day of June, 1904, by means of a gunshot wound inflicted, as the jury believes, by one Albert Bilat, fired by him, the said Albert Bilat, with felonious intent; he having been aided, abetted, and encouraged in said crime by others as in this verdict hereinafter stated.
>
> Second. We find that the said John Davis came to his death in the city of Victor on the 6th day of June, 1904, by means of a gunshot wound inflicted by one William Boyle, and fired by him, the said Wil-

liam Boyle, with felonious intent, he having been aided and abetted in said crime by others, as this verdict hereinafter states.

Third. The jury further finds that upon the said day an armed body of men, about 90, members of the Western Federation of Miners, assembled at Victor, in the said county, in the afternoon, pursuant to a prearranged plan, understanding and conspiracy, from different parts of said county, principally the city of Victor, the town of Goldfield, the town of Independence and the town of Anaconda.

That said body of men so assembled were appointed special policemen for the city of Victor by one Michael O'Connell, the then marshal of said city, and were by him and through his influence furnished with badges of office, firearms and ammunition.

That, while the act of deputizing said men gave them temporarily a color of office, the same was done and said body of men congregated and armed themselves for another and unlawful purpose, namely, to commit acts of violence, to override the law and to take human life; and that, in fact, the men so armed and deputized constituted an unlawful assembly or mob.

That, before the death of said Roscoe McGee and John Davis and before the commission of any overt act by said mob, the said O'Connell was removed from office by the mayor of said city, and said mob were by the sheriff of said county publicly ordered to disperse and go to their homes, notwithstanding which a portion thereof, armed as before stated, and being about 50 in number, secreted themselves in and upon a building in said city, used and occupied for the Miners' Union Hall. That certain other members of said mob stationed themselves at different points on the streets and other places in said city, including the store operated in the interests of said Western Federation of Miners.

That about 3 o'clock on said day a public meeting was in progress upon a vacant square in said city midway between Union hall and the said union store.

That a riot was started by a member of said mob, to wit, one Alfred Miller, when he attempted to shoot and kill C. C. Hamlin and others who were engaging in said public meeting, that thereupon many shots were fired, principally by the members of said mob, both from the front windows and roof of said union hall and from the front part of said union store and different points on the street, and that certain of such shots took effect, as herein above stated, causing the death of said Roscoe McGee and John Davis.

That eight or ten other shots took effect in the bodies of as many citizens, grievously wounding them, in almost every instance said victims having been shot in the back. That the members of said mob who had gathered in and upon said union hall were under the immediate command of one Peter Calderwood, aided and assisted by P. J. Hall, G. M. Hooten, Mike Hannigan, William Johnson, W. E. Haskins, A. M. Weir, William Welsh, James Tedrow, J. R. Shoemaker, C. H. Say, Jack Cheby, Frank Chelan, D. T. Mitchell, Jerry O'Brien, Peter O'Neill, Tom Nolan, Lyman Nichols, Mark S. Nichols, P. J. Murphy, D. A. McCloud, Fred Minister, Thomas F. Lloyd, F. H. Greffer, John Brogan, Nick Voyle, William Voyle, Albert Bilat, D. A. Cameron, William Graham, J. I. Jenks, James Whalen. That during the progress of said riot the said Michael O'Connell feloniously, wickedly, and of his malice aforethought, fired upon and shot one J. J. Hosmer in the back with the intent then and there to take the life of the said Hosmer.

That it was the evident intention of the leaders and members of said mob, as shown by the testimony and their own declaration, to shoot down and take the lives of citizens, called by them the mine owners.

We further find from the evidence that the officials of said Western Federation of Miners are primarily responsible for the crimes committed as aforesaid.

That by incendiary, unlawful, and seditious statements, officially promulgated and published, they have incited, encouraged and abetted acts of violence and crime on the part of their members and officials and are chargeable with the said unlawful and criminal assembly and the crimes resulting therefrom.

That among those who aided, abetted, and incited the commission of said crimes are Charles H. Moyer, William D. Haywood, John C. Williams, J. T. Lewis, L. J. Simpkins, James P. Murphy, D. C. Copley, James Kirwan, James H. Baker, and John M. O'Neill, and that each and every member of the said mob organized and armed by Michael O'Connell are jointly and severally guilty of the acts of violence committed in the said Victor, State of Colorado, on the 6th day of June, 1904.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

H. P. Reiton, *Foreman.*
F. A. Phipps, *Clerk.*
R. Arnold.
P. L. Thorsen.
G. C. Blakey.
D. Bernard.
G. A. Hall, *Coroner.*

The occupations of the members of this jury were as follows: H. P. Reiton, a hardware dealer; F. A. Phipps, a real estate and mining man; D. Bernard, a mine lessee; G. C. Blakey, a mine lessee; P. L. Thorsen, a store manager; R. Arnold, a mining engineer.

Judge L. W. Cunningham, of the district court, issued capiases for the arrest of Charles H. Moyer, president; William D. Haywood, secretary-treasurer, and several other members of the executive board of the Western Federation of Miners, and also John M. O'Neill, editor of the Miners' Magazine. The charges against them were murder, assault to murder, and conspiracy to murder in connection with the rioting in the streets of Victor. When these capiases were served at Denver about the middle of July, the officers of the Federation gave bonds varying in amounts from $5,000 to $10,000.

On July 29 Judge Cunningham fixed the bails of 46 men arrested on similar charges and incarcerated in the county jail at Cripple Creek, in amounts as follows: Michael O'Connell, $10,000; Alfred Miller, $5,000; Albert Bilat, $5,000; William Boyle, $5,000: Peter Calderwood, $5,000; Frank Fielding, $5,000, and forty others in amounts varying from $2,500 to $1,000.

CHAPTER XXVIII.

MILITARY RULE IN THE CRIPPLE CREEK DISTRICT.

On June 7, 1904, in the absence of Governor Peabody from Colorado, Lieutenant-Governor Haggott issued the following proclamation, again declaring Teller County "to be in a state of insurrection and rebellion."

GENERAL ORDERS,
No. 22.

STATE OF COLORADO,
ADJUTANT-GENERAL'S OFFICE,
Denver, Colo., June 7, 1904.

The following is published for the information and guidance of all concerned, and they will govern themselves accordingly:

STATE OF COLORADO, EXECUTIVE CHAMBER, DENVER.

Whereas, there exists in Teller County, Colo., a large number of armed persons acting in conjunction with a large number of persons outside of that county, who are fully armed and acting together for unlawful purposes; and

Whereas, open riot and insurrection now exists in said county of Teller and felonies and murder have already been committed by such persons and are still threatening to commit murders and felonies, and are offering violence to the citizens and property in said county and are resisting the laws of the State of Colorado, and

Whereas, at divers and sundry other times various crimes have been committed in said county of Teller by and with the aid and under the direction of said vicious and lawless persons and the security of persons and property is now threatened in said county; and

Whereas threats, intimidations and violence are threatened and believed will be resorted to by said lawless class of individuals, and

Whereas, it is represented to me by the sheriff of said Teller County that the civil authorities within said county are unable to enforce the laws to secure peace and order in said county, and that it is necessary to put the military into said county for the purpose of enforcing the laws and restoring peace and order,

Now, therefore, I, Warren A. Haggott, acting governor and commander in chief of the military forces of the State of Colorado, by virtue of the power and authority in me vested, do hereby proclaim and declare the said county of Teller, in the State of Colorado, to be in a state of insurrection and rebellion.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Colorado to be affixed, at Denver, the State capital, this 7th day of June, A. D. 1904.

WARREN A. HAGGOTT,
By the Acting Governor.

Attest:
JAMES COWIE, *Secretary of State.*
TIMOTHY O'CONNOR, *Deputy.*

SHERMAN M. BELL,
Brigadier-General and Adjutant-General.

Adjt. Gen. Sherman M. Bell and his escort arrived at Victor at midnight, June 7. He immediately ordered the two local companies of the Second Infantry, Colorado National Guard—Company L of Victor and Company H of Cripple Creek—to report to him for duty. From that time the military authorities were in complete control of the Cripple Creek district. Sheriff Edward Bell acted under the direction of Adjt. Gen. Sherman M. Bell. The number of military companies in the district was soon increased.

DEPORTATION OF UNION MINERS TO DENVER.

As early as March, 1904, the Mine Owners' Association and the Citizens' Alliance began to agitate the question of driving away all Federation men, and insisted that there would be no permanent peace in the district until this should be accomplished. Meetings of the Mine Owners' Association and of the Citizens' Alliance were held on the morning of June 7, after which C. C. Hamlin, secretary of the Mine Owners' Association, announced that a policy of deporting members of the Federation had been decided upon.

At 5 p. m., June 7, 28 union men were deported from Cripple Creek on a train which reached Denver about midnight. Seven deputy sheriffs accompanied them to Denver, where they were set at liberty. One of the deported men was T. H. Parfet, manager of the union store at Cripple Creek. No criminal charge had been brought against any of these men. Most of them had been informed that they might remain in the district if they would take out cards from the Mine Owners' Association, but this they had refused to do.

A new mining camp had been opened at Dunnville, 14 miles south of Victor. It is in Fremont County, just across the line from Teller County. A number of the miners from the Cripple Creek district had gone there and begun work. On June 8 a force of 30 soldiers and 100 deputies, led by Adjutant-General Bell, went there to arrest union miners. General Bell claimed that, under a general order, he was authorized to make arrests, not only in Teller County but in territory "adjacent thereto." About 65 miners were stationed on the hillsides at Dunnville when the deputies and soldiers entered a gulch below. A shot from above was answered by a dozen from below, and then there was active firing for seven minutes. The miners were protected by rocks and trees, while the soldiers and deputies were unprotected. Desultory firing continued for an hour. One man, a union miner, was killed and 14 others were made prisoners. These men had been armed with two rifles, a single-barreled shotgun, two double-barreled shotguns, and five revolvers. It may be mentioned here that John H. Carley, the man who was killed, was the only man killed by the soldiers in Colorado during any of the military campaigns in 1903 or 1904.

WRECKING OF THE VICTOR RECORD OFFICE.

On June 8 the Victor Record, a morning paper, which had been regarded as the mouthpiece of the Western Federation of Miners, published the following editorial:

CALL THE STRIKE OFF.

On the 10th day of this month the Cripple Creek strike, inaugurated by the Western Federation of Miners, will have been on ten months. The miners employed on the mines in this district against which the strike was inaugurated went out to a man, though 90 per cent of them did not believe that the strike was wise, though possibly just under the circumstances with the mill men as a part of the organization. The Record, the friend of the laboring man, with nothing save principle at stake, gave the miners during all this time its strongest and most sincere support.

During these ten months nothing has occurred that we believe could give encouragement to the striking miners. One by one they have left the organization and gone to work until to-day there are but few men outside the Portland mine working in the district and recorded fair with the Western Federation of Miners. Consequences are that many families in this district are in destitute circumstances, fathers have been obliged to leave their homes and go to work where wages are lower, though their families' expenses here are the same as before.

Many other miners, true to their organization, have refused to go to work and have remained here, giving the strike their moral support in every way possible. They are now in destitute circumstances, many of them. They are true-blue union men, and in the face of deprivation they have held out until they are forced to complain. The union stores of the district have been closed, and they have no way of securing provisions for their families.

The mine owners have been so successful in getting men to take the places of the union men on the mines and have grown so determined in this most determined fight that they have issued statements to the effect that no member of the Western Federation of Miners need apply. The Record believes that in these statements they are sincere, for the reason that they have little faith in the strike ever being called off. If this strike had been called off after the acquittal of the strike committee, in the fake dynamiting train-wrecking cases as it should have been, then these devilish dynamiting cases would not have occurred. The Record does not believe the officials of the Western Federation of Miners had anything to do with them, but it is equally firm in its conviction that if there had been no strike here they would not have occurred.

In the interest of the men and women that have made the Cripple Creek district, the Record asks the Western Federation of Miners to call off this strike. Miners living in this district are losing their homes or being obliged to go away and leave them. None of them, when they express their convictions, as many have to the writer, believe that there is any chance of winning this fight; they believe that the longer it is kept going the farther they are away from securing work. They are not in position to stand it much longer, and the Record asks, as the laborer's best and demonstrated friend through this hard struggle, that it be called off at once, or these people will either be forced to leave the Federation or their homes.

The Record will stand in the future, as in the past, ready to condemn all lawlessness. It has no respect for the actions of a Sterling or a Scott, or for such speeches as was made by Mr. Hamlin, Monday, or for the miners' resistance at Miners' Union Hall, and it will not hesitate to condemn them, just as it will the work of the dynamiter when he is found. The Record does not have the confidence of the mine owners, of the military, or of the Citizens' Alliance, and it makes this plea solely in the interest of the men and women of this district that are without work, without money, without food, and that believe there is no hope of winning the strike and want it called off.

Another reason the Record believes that the Western Federation of Miners should call this strike off is that it owes it to its staunch friends here in the district. The county officials and other officials that have stood by the Federation are losing, or about to lose, their positions because of their relation to the strike and in justice to them it should be called off. There is nothing to be gained by butting your head against a stone wall. Further, the Federation, in addition to declaring the strike off, should offer a big reward for the capture and punishment of the criminals of the Independence dastardly crime, and by that act prove its interest in law and order.

About 11 o'clock that night eight men entered the printing office of the Record, and, with rifles and drawn revolvers, ordered the printers and pressman—five in all—to hold up their hands, which they did. Then two men by turns, using sledge hammers, smashed the machinery in the office—doing much damage to two linotype machines, a power press, a job press, a folding machine, and a paper cutter. The forms also were pied. The proprietor and editor of the Record, George E. Kyner, made efforts to continue the publication. W. Robert Carr, proprietor of the Cripple Creek Star, tendered him the use of the Star plant. He accepted this offer, but it was withdrawn later by Mr. Carr, because a committee of citizens had waited upon him and warned him that the Star would be boycotted if its plant should be used for issuing the Record. Editor Kyner then interviewed Adjutant-General Bell, who promised him military protection if he should issue his paper at the Star plant. One-sheet issues of the Record were printed for about ten days, regular editions then being resumed. The wrecking of the Record office was attributed to members of the Western Federation of Miners in retaliation for the publication of the editorial, "Call the strike off," but the printers alleged that they recognized at least two of the wrecking party to be members of the Citizens' Alliance. However, no person was arrested for the vandalism. When regular publication was resumed the policy of the Record changed, and, instead of being friendly to the Western Federation of Miners, it became a critic of that organization and a supporter of the Mine Owners' Association in the labor controversy. Mr.

Kyner brought a bill against the State of Colorado for the damage which had been done to his plant. Following is a copy of the account which he rendered:

VICTOR, COLO., *August 29, 1904.*

State of Colorado in account with the Record Printing and Publishing Co.:

June 9.	To linotype supplies	$2,264.00
	Additional linotype supplies	46.00
	Cylinder-press supplies	250.00
	Job-press supplies	85.00
	One job press	225.00
	Labor, press machinist	125.00
	Additional labor on presses	50.00
	Folder repairs	25.00
	Paper-cutter repairs	60.00
	Type, material, stones, etc	350.00
	Typewriter	45.00
	Clock	6.00
	Nine days' business	675.00
		4,206.00

STATE OF COLORADO, *Teller County*, *ss:*

I, George E. Kyner, manager and editor of the Victor Daily Record, hereby state on oath that the above and foregoing statement of loss, damages and expenses occasioned by the partial destruction of the newspaper plant of the Record Printing and Publishing Co., at Victor, Colorado, June 9th, A. D. 1904, is a true and correct statement, and that the same nor any part thereof has not been paid.

GEORGE E. KYNER.

Subscribed and sworn to before me this 29th day of August, A. D. 1904.

ERNEST C. WILLEY,
Notary Public.

My commission expires December 24, 1905.

Approved:

SHERMAN M. BELL,
Adjutant and Quartermaster-General.

Following is a copy of a letter written by Hon. Frank W. Frewen, State senator from Teller County:

VICTOR, Colo., *August 29, 1904.*

Hon. JAMES H. PEABODY,
Governor of the State of Colorado, Denver.

SIR: I have the honor to state that, while I was not present in Victor at the time of the partial destruction of the newspaper plant of the Record Printing and Publishing Co., I have examined the plant and am well acquainted with the character of the machinery which was therein contained prior to alleged partial destruction thereof. I have had a considerable experience in the handling of machinery generally, and am well acquainted with the value of machinery such as was contained in said newspaper plant, and from such knowledge and experience, I would state that the items of damage contained in the annexed statement are true and just, and a fair estimate of the value of the machinery alleged to have been destroyed.

Very respectfully,

FRANK W. FREWEN.

Following is a copy of the certificate of indebtedness for $4,206 issued by the auditor of the State to the Record Printing and Publishing Company. The entries relating to this amount were written in the blanks of a printed form.

STATE OF COLORADO

To the Record Printing & Publishing Co., Dr., Victor, Colo.

1904. As per itemized bill attached, covering claim against the State of Colorado in full, as per sworn statement hereto attached, account Cripple Creek district riots, $4,206.00, forty-two hundred and six and 00/100 dollars.

Approved by military board October 12, 1904.

J. Q. MACDONALD, *Military Secretary.*

To the AUDITOR OF STATE:

We, the governor and the attorney-general, have examined the attached account of the Record Printing and Publishing Co., and hereby certify that the same constitutes a valid claim for money against the State. The expense herein exhibited is authorized by the statutes of Colorado, but no appropriation has been made to cover the same, and you are hereby authorized to adjust the said claim and issue a certificate of indebtedness in payment thereof.

JAMES H. PEABODY, *Governor.*

N. C. MILLER, *Attorney-General.*

Received of the auditor of the State of Colorado certificate of indebtedness No. 6338, in payment of the above account.

THE RECORD PRINTING AND PUBLISHING CO.
By GEORGE E. KYNER, *Pres.*

On the back of this voucher appears the following, partly printed and partly written:

Certificate of Indebtedness.
Voucher.
Certificate of Indebtedness No. 6338, 6339, 6340.
Issued Nov. 10, 1904.
To Record Ptg. and Pub. Co.
$4 206.00.

STATE OF COLORADO.
Auditor's office, ss:

I, George E. Kyner, do solemnly swear, in the presence of the ever-living God, that the several items mentioned in the annexed account are just and true; that the articles furnished and services rendered as therein charged, and that the amount claimed, to wit, the sum of forty-two hundred and six and 00/100 dollars, is due and unpaid after allowing all just credits.

GEORGE E. KYNER.

Subscribed and sworn to before me, this 10th day of Nov., 1904.

JOHN A. HOLMBERG,
Auditor of State.
W. H. SUNBLAM,
Deputy.

Following is a copy of the certificate of the auditor of State that the itemized statement and voucher, as reproduced above, are correct:

STATE OF COLORADO,
Auditor's Office, ss:

I hereby certify that the above and foregoing is a true and correct copy of voucher and itemized statement of the claim of George E. Kyner against the State of Colorado, for damages and expenses occasioned by the partial destruction of the newspaper plant of the Record Printing and Publishing Company, Victor, Colorado, June 9th, 1904, the original of said voucher and statement being in my office.

Dated at Denver, this 3d day of January, A. D. 1905.

JOHN A. HOLMBERG,
Auditor of State.

The voucher shown here is a sample of the certificates of indebtedness issued for the expenses of military operations—for the salaries of soldiers, commissary supplies, etc. For a time the mine owners cashed the vouchers issued to the soldiers. Afterward other parties usually merchants, cashed them, but generally discounted them.

ATTITUDE OF EMPLOYERS TOWARD UNION LABOR.

On December 8, 1903, a meeting of the Citizens' Alliance was held at Cripple Creek, pursuant to a call signed by the secretary, L. F. Parsons. The concluding paragraph of the call was as follows: "We herewith inclose you a list of the firms that do not belong to the Alliance. You can govern yourselves accordingly."

On June 9, 1904, two committees circulated among business men in Cripple Creek a typewritten agreement for signatures as follows:

We, the undersigned merchants of the Cripple Creek district and employers of help, hereby agree not to employ help of any kind that is in any way connected with the Trades Assembly or the American Federation of Labor or the Western Federation of Miners.

The next day this agreement was amended by changing "American Federation of Labor" to "American Labor Union." The Trades Assembly of Cripple Creek was a local organization composed of various kinds of unions, while the American Labor Union was a general organization composed of various kinds of unions that were friendly to the Western Federation of Miners. The reason of this amendment was that the committees learned that all the barbers and printers and practically all the carpenters in Cripple Creek were members of unions affiliated with the American Federation of Labor, and their services were indispensable. With two exceptions the agreement was signed by the proprietors of all the business houses on the principal business street, Bennett avenue. On June 10 a similar anti-union agreement was circulated in Victor and signed by merchants and others. The following statement of the attitude of employers toward union labor, signed by over 100 business men and mine owners of the Cripple Creek district, was published on June 14:

> While the wages paid for all labor in the Cripple Creek district have been the highest in Colorado, and while the hours have been for years perfectly satisfactory, yet the walking delegates have been busy inciting strife, strikes, boycotts, and the crimes attendant upon such occurrences, followed by assaults, arson, murders, and dynamite outrages.
>
> In many instances, as for example the strike of the last ten months, where no local pretext could be found by the agitators—the quarrels between employers and employees in parts of Colorado remote from Cripple Creek have been made the wanton cause of locking all the wheels of industry in Teller County.
>
> In the future neither walking delegates, agitators nor labor unions will be allowed to say who may or may not labor in Teller County, or may or may not do business here.
>
> The sources of all strife in the Cripple Creek district have been the Western Federation of Miners and the Trades Assembly which they dominated and through which they carried out their boycotts, etc.
>
> There is no room in Teller County for these two organizations and their existence will no longer be tolerated. The citizens and taxpayers are determined to have peace, law and order in Teller County, and while they have no wish to work hardship on any person simply because of his membership in a labor union, nevertheless drastic measures must and will be adopted to preserve peace. Crafts of the various classes already organized will not be interfered with as to their local or international affiliation, provided the Trades Assembly be forthwith disbanded and no similar boycotting agency be organized: provided, further, that such unions of the local crafts have not for their national or international affiliation the Western Federation of Miners, the American Labor Union, the State Federation of Labor or any kindred organization.
>
> We declare against all agitators and walking delegates. We declare against strikes, boycotts and walkouts.

Though one of the declared objects of the Citizens' Alliance was to discourage boycotts, as well as strikes and lockouts, the Citizens' Alliance, of Denver, in the autumn of 1903, adopted the following resolution, which was openly printed:

> *Resolved*, That we, as a body, urge upon the Denver Advertisers' Association the importance of cooperating with us in this effort, and request such association to so place its advertising matter as to assist in upbuilding, instead of tearing down, business interests, to the end that a just and conservative policy may be adopted and advocated by the daily press.

In the summer of 1904 the Denver Advertisers' Association instituted a boycott against the Rocky Mountain News, a morning paper, and the Denver Times, an evening paper, both of which were published by the same company. The reason of the boycott was that these papers had expressed disapproval of the policies of the Citizens' Alliance and the Mine Owners' Association, and especially of the policies of blacklisting members of the Federation, and of deporting members of the Federation. The Denver Advertisers' Association was composed of seventy-five or eighty members, including nearly all of the largest merchants and mercantile companies in the city, and all of them were members of the Citizen's Alliance. J. C. Craig, State president of the Alliance, was active in instituting the boycott. In an interview he said: "We don't propose to have any of our advertisers furnish ammunition to a paper that sympathizes with trade unions, like Senator Patterson's Rocky Mountain News." The boycott against the two papers began on June 19, 1904, and continued until July 17, being then declared off.

DEPORTATION OF UNION MINERS TO KANSAS.

Seven men were authorized to act as a commission to decide who should be deported from the Cripple Creek district. This commission, established June 8, was composed of Mayor F. D. French, of Victor; former Mayor Nelson Franklin, of Victor; Postmaster F. M. Reardon, of Victor; Judge H. McGarry, J. B. Cunningham, G. E. Copeland, and T. J. Dalzell. They held sessions and examined witnesses in the rear room of the mine owners' headquarters in Victor. Soldiers guarded the door and all the proceedings were secret. On June 10, Adjutant-General Bell issued the following deportation order:

SPECIAL ORDER,
No. 6.

HDQRS. TELLER CO. MILITARY DISTRICT,
NATIONAL GUARD OF COLORADO,
Victor, Colo., June 10, 1904.

To Colonel LEO W. KENNEDY:

You will proceed by the Colorado Springs and Cripple Creek District Railway to Colorado Springs; thence via the Atchison, Topeka and Santa Fe Railway to the east line of the State of Colorado, taking with you the parties on list herewith attached, and there deposit them without the State of Colorado, returning at once to these headquarters and make due report to me.

By command of

SHERMAN M. BELL,
Brig. Gen., Comdg. Teller County Military District.

The attached list contained 73 names. General Bell being interviewed and asked why these men were ordered deported, replied: "It is a military necessity. They are men against whom crimes can not be specified, but their presence is regarded as dangerous to law and order."

A special train bearing 79 men, selected for deportation, left Victor about 2 p. m., June 10. Many of these men had families in the Cripple Creek district. A crowd of 2,000 people witnessed their departure from the Victor station. The deported men were guarded on the train by soldiers in charge of Col. L. W. Kennedy and deputies in charge of Deputy Sheriff H. D. Benton. About 5 o'clock on the morning of June 11 the train reached a point on the Atchison, Topeka and Santa Fe Railway half a mile west of the Kansas-Colorado State line, and there stopped. For a few minutes it seemed that there would be a riot between the militia and the train crew. The militia insisted that in accordance with Adjutant-General Bell's order the train should cross the State line, so that the miners might be deposited in Kansas, but the train conductor declared they should leave the train where it had stopped in Colorado, and this course was finally adopted. The miners were ordered by the military officers to move eastward and never to return to the Cripple Creek district, on pain of being rearrested and severely handled. The militia fired a volley over their heads to accelerate their movements.

About six of the miners were allowed to cross the line, but the remainder who attempted to do so were prevented by Sheriff John Brady, of Hamilton County, Kans., and his posse. The region was sparsely settled, and the deported men were without any means or food. They walked back to Holly, Colo., about 4 miles west of the State line. They informed the city marshal how they had been deported, and promised that they would create no trouble in Holly and would leave as soon as possible. The citizens of Holly gave them food; and at a meeting, held on the streets in the afternoon, the exiles tendered to the citizens a vote of thanks.

Telegrams were sent to the headquarters of the Western Federation of Miners in Denver, and the Federation officials telegraphed funds for the deported men. Sheriff John Brady telegraphed Governor W. J. Bailey at Topeka of what had happened at the State line on the morning of June 10. The governor being absent, H. W. Brient, executive clerk, referred the matter to the attorney-general's office for advice. The attorney-general having given an opinion, Mr. Brient telegraphed Sheriff Brady that the attorney-general advised that no further aggressive action be taken against the Colorado miners so long as they conducted themselves properly. Governor Bailey, being interviewed on June 12 at St. Louis, where he had been for three days, said:

> I will make no attempt to keep the miners out of Kansas, as I believe that any man has a right to go from one State to another without hindrance just as long as he behaves himself as a law-abiding citizen. I have never had any proof that the miners who are reported to be on the way are not such, and until I have authentic proof against individual members I will follow the dictates of the constitution. I will not interfere with the liberty of any man until he proves himself unworthy the trust of his fellow-citizens.

With funds telegraphed by Federation officials at Denver, about 35 of the deported men left for Denver, Colorado Springs, or Pueblo, on the night of June 11. The others, being provided with Federation funds, remained at Holly a day or two. Some then took trains for various points in Colorado, and some sought work in the harvest fields of Kansas.

OFFICIAL VERSIONS OF THE LABOR TROUBLES.

On June 10 C. C. Hamlin, secretary of the Mine Owners' Association, received a telegram from the New York Times, asking him, as the head of the vigilantes committee, to telegraph that paper his version of the labor troubles in the gold-mining camps of Colorado. On June 11 Mr. Hamlin telegraphed the Times as follows:

> There is no vigilantes committee in this community. The only movement that might be considered of that character occurred after the Independence outrage of Monday, when determined citizens took steps to bring about the resignation of several officers who were either incompetent or in sympathy and collusion with those responsible for the murders and dynamiting which have taken place here since the strike. These offices have been filled by capable men, and the situation is now in the hands of the sheriff, who is fully able to handle it. He is acting in full harmony with the adjutant-general of the State.
>
> The position of the Cripple Creek operators has been placed in an absolutely false light by the eastern press. Labor leaders attribute these troubles to the defeat of the eight-hour law in Colorado. The fact is that we have been working an eight-hour day for ten years, paying a minimum wage of $3, and an average wage of about $4 per day. The actual working time of a miner is about seven hours. No grievance was lodged against our operators when the strike was called, and had the question been left to the miners themselves 90 per cent would have voted against it. This strike is due to the fact that the striking power had been taken from the union members and lodged in the hands of a few leaders, criminals themselves, and dependent on crime to attain their ends.
>
> While this strike has been called a sympathetic one to aid certain mill men, most of them also working an eight-hour day, its real purpose was to compel every miner in this district to join the Western Federation of Miners or leave the country. This organization has a record of lawlessness, murder, arson, and dynamiting in the Coeur d' Alenes, Butte, Leadville, Idaho Springs, Telluride, Cripple Creek and elsewhere, extending over a period of ten or fifteen years, which should appall humanity. These outrages culminated here Monday, when 15 men were blown into eternity and nearly as many more maimed so death would be a mercy. The only parallel to this organization which can be found is the Mollie Maguires of Pennsylvania, and their members were law-abiding citizens compared with the organization which we have to deal with. The peace authorities of the State demand that this organization be exterminated root and branch.
>
> The responsibility for the above outrages is so well fixed that no person can belong to the Federation and pretend to be a law-abiding citizen.
>
> Since Monday's calamity we would close every mine in this district for ten years rather than let a single member of this organization work or live here. But this is not necessary, for all our mines are working full-handed with a better class of men, all nonunion, than ever before.
>
> The fact that no lawlessness has been committed since the outrages

of Monday, and that every good citizen is standing at the right hand of the sheriff in his endeavor to maintain the law and to suppress this lawless organization, speaks volumes for the patience and law-loving qualities of the people of this community. There is now no legal question involved in this controversy other than that of the right of a community to purge itself of a criminal organization whose very existence is a standing menace to the lives and property of those whose only offense is that they claim the right to work.

Our fight has not been against unionism as such, but against criminal organization, and it will not be discontinued until no member of this organization is left in Teller County.

At the request of an eastern newspaper syndicate the executive board of the Western Federation of Miners furnished that syndicate with the following statement on June 11:

The cause of the strike of the Western Federation of Miners in Colorado is one of long standing, and involves the failure on the part of mine managers in various parts of the State to live up to their own written agreements. As far back as 1894, as a result of the strike at that time, the mine owners agreed that eight hours should constitute a day's work, that the minimum daily wage should be $3, and that there should be no discrimination against union men in the hiring and discharge of labor. At the outset of the present trouble Manager MacNeill, of the Standard Mill at Colorado City, peremptorily discharged 45 men, members of the Western Federation of Miners, for no other reason than that they had become union men. All of them were old employees of from two to six years' standing. Mill men are affiliated with the Western Federation of Miners, and are entitled to all of the protection that goes with such membership.

To-day the only questions involved are the enforcement of the eight-hour day, the right of men to organize in the unions, and to prevent discrimination against union men of all kinds.

The responsibility for the lawlessness connected with the contest rests entirely on the shoulders of the mine operators, the Citizens' Alliance, and their allies, backed up by the assumed military power of the State government. The responsibility has been placed on these persons and organizations by District Judge Theron Stevens, who denounced the military usurpation in Telluride in strong language from the bench; by Distrct Judge N. Walter Dixon, Republican, who openly condemns Governor Peabody and severely criticises his acts, involving the deportation of men from the State without trial or other chance of hearing; by ex-Governor Charles S. Thomas, who plainly points to the Mine Owners' Association and Citizens' Alliance as being responsible for the many outrages committed on the persons of helpless and innocent miners; by the recent Democratic State convention, which denounced in scathing terms the line of policy pursued.

The events of the present week in the Cripple Creek district justify every accusation contained above. The following crimes upon citizenship have followed swiftly upon one another:

The resignation of Sheriff Robertson, of Teller County, forced by a mob at the point of the pistol and the coil of a rope; the forced resignation of Coroner Doran, of Teller County; of the city marshal of Victor; of various aldermen and justices of the peace in the district; the entire official directory of the city of Goldfield; assault upon and demolition of the union hall in Victor; forcible entrance into the four union cooperative stores and destruction of the contents; destruction of the Victor Daily Record by an armed mob; invasion of Dunnville, outside the military lines, by an armed force under military command; arrest of men at their work and incarceration within the military lines; hundreds of men confined in unsanitary bull pens; forcible shut down of the great Portland mine, employing union men, by order of the military commandant, on the plea of military necessity, and subsequent deportation of men therein employed.

Concerning the explosion which wrecked the depot at Independence and killed 16 unfortunate nonunion miners, it need only be said that the self-confessed train wrecker, McKinney, in the employ of the Mine Owners' Association, had a few days previously been released from custody at the behest of the attorney for the association, and that this same McKinney was observed going down Pott's canyon, in the immediate vicinity of the wreckage, only a short time after the disaster. McKinney stated, under cross-examination during the trial of the union miners who were accused of the attempted train wrecking, that he and other detectives did tamper with the rails, and that for a money consideration he would pull spikes and wreck a train. Bloodhounds used to follow the trail of the criminal went directly to a house occupied by a detective in the employ of the Mine Owners' Association and were promptly called off.

Photographs of marked miners referred to by General Bell, who, he claims, were marked for death, must be regarded as an invention of his own brain. The photographs in question are those of strike breakers and were kept for the purpose of publishing a "scab" list, with the pictures of the men accompanying their description, so that members of organized labor all over the country would become thoroughly acquainted with these men who have committed treason to themselves and to their class. These pictures are nothing more than those having charge of the strike in the district have publicly used for many months.

Charges that miners are not allowed to vote on questions of strike are utterly absurd. As a matter of fact, according to the constitution of the Western Federation of Miners, it is absolutely impossible for the executive board to call a strike of its own volition.

The present strike is the result of a direct vote of the members of the various unions in the district, which left the matter entirely in the hands of properly delegated authority for adjudication and settlement. The twelfth annual convention, recently held in Denver, appointed a special investigating committee, consisting of Malcolm Gillis, of Butte, Mont.; H. B. Seaman, of Rossland, B. C., and R. E. Allen, of Dillon, Wyo., which committee made a personal investigation, by a visit to the Cripple Creek district only last week, and reported to the convention that the constitution of the Western Federation of Miners had been observed in the minutest detail during the entire prosecution of the contest.

Absolutely no deaths have occurred during the contest for which the Western Federation of Miners can be or ought to be held responsible. Some 15 men were killed in the Stratton Independence mine through the incompetence of the men employed and the culpable negligence of the management. These men were unfamiliar with the work and were such as this mine and other mines in the district have been compelled to employ at the behest of the Mine Owners' Association.

We are unfortunately forced to abide by the acts of an unbridled military despotism that is driving our members from pillar to post. Their fortitude under the circumstances is the marvel of the age, and shows that the Western Federation of Miners is composed of the highest type of American citizenship.

Our attitude is fully expressed by the following telegram:

"Hon. THEODORE ROOSEVELT,
"*President United States, Washington, D. C.:*

"A duty devolves upon you as President of the United States to investigate the terrible crimes that are being perpetrated in Colorado in the name of law and order. We will render every possible assistance to the proper authorities in such investigation, to the end that the people of the country may realize the outrages that are being inflicted on innocent persons by those in temporary official power.

"W. D. HAYWOOD, *Secretary.*"

On June 12 the New York World sent the following telegram to Governor Peabody:

NEW YORK, *June 12, 1904.*

Governor JAMES H. PEABODY,
Denver, Colo.:

Will you not telegraph to the World a statement of your reasons for permitting Colorado troops to dump 91 union miners on the Kansas line, leaving them destitute on the prairie, miles from habitation? No explanation of this action has reached the East. What evidence against the men justified such action? Under what Colorado laws were they banished? Please wire at our expense.

THE WORLD.

Governor Peabody telegraphed the following reply:

DENVER, *June 13, 1904.*

The WORLD, *New York City:*

Answering your telegram, the reason for deporting strikers and agitators from Cripple Creek was the dynamite outrage of June 6, whereby fourteen nonunion miners were instantly killed, and the subsequent street riots and killing of two nonunion miners by the same element. Suitable provisions were sent on same train with agitators. No cases of hunger or suffering reported. The constitution of Colorado commands the suppression of insurrection by such means as may be necessary. The statement published from headquarters Western Federation of Miners to the effect that present strike was called by referendum vote and for the purpose of establishing eight-hour day erroneous and false. The strike was arbitrarily called by the executive committee of the Western Federation of Miners, and protested against by three-fourths of the miners in the Cripple Creek district. The eight-hour day had been established and recognized for ten years past, and employer and employed were satisfied and working in harmony. Rioting, dynamiting, and anarchy has had its day in Colorado.

JAMES H. PEABODY,
Governor.

After the publication of the message sent by the governor, William D. Haywood, secretary-treasurer of the Western Federation of Miners, telegraphed the World to pay no attention to what he termed misstatements in the telegram of the chief executive. The New York paper immediately requested Mr. Haywood to send 500 words setting forth such alleged misstatements. Mr. Haywood's communication follows:

DENVER, COLO., *June 17, 1904.*

The WORLD, *New York City, N. Y.:*

The flagrant misstatements in Governor Peabody's telegram are that he avers the strike was arbitrarily called by the executive committee of the Western Federation of Miners. The fact is that the executive board has never called a strike. The governor refers to the strike, thus implying that there is only one strike in the State of Colorado and that deportations and banishment of men and women from their homes and families had only occurred in one county. The facts are that the counties of Denver, Clear Creek, Fremont, El Paso, Teller, and San Miguel are involved in the strikes; these, besides the counties in the southern fields where worse atrocities have been committed by the militia than in other parts of the State—women and children evicted from their homes, wives of striking coal miners assaulted by soldiers, and the miscreants never punished. Eighty coal miners were driven like cattle by a troop of cavalry from Berwind to Trinidad, where they were photographed, measured by the Bertillon system and turned loose. Wrongs almost as grievous as these have been perpetrated in all the strike regions, and it must be remembered that no violence of any description had taken place until after the governor had ordered out the troops, and, in the language of General Bell, then "hell began to pop."

The governor says the constitution commands the suppression of insurrection. If he would go and hang himself the chief insurgent would be dead. He has caused to be violated every constitutional, moral and political right that American citizens are supposed to enjoy. The only trait of honesty the governor displays is his evident desire to "stay bought" and to deliver his anteelection pledges. His business administration has cost the State nearly $2,000,000 to maintain a retinue of grafting colonels and carry on a mimic war. During nearly a year of active service we find that one soldier has died on the battle field, and he was killed by a drunken comrade.

There has been no insurrection in Colorado except that emanating from the occupant of the capitol building. Nowhere in the United States will you find a higher class of workingmen than in this Commonwealth. The people of this State issued, by a constitutional amendment, an imperative mandate to the legislature, instructing them to enact an eight-hour law for all persons employed in mines, mills, smelters and blast furnaces. The sovereign will of the people was frustrated by a conspiracy of corporations, and the State administration is not free from contamination. The majority for the amendment to the constitution making the eight-hour law general in vocations named was 46,714.

The percentage of those working eight hours as compared to the number entitled to it is very small.

The mine operators in the Cripple Creek district have never been satisfied with the agreement established in 1894. There has been a continued effort to reduce wages, and by some a pernicious discrimination against union men.

The passage of the "Dick" bill, the election of a Peabody, the appointment of a Bell, a rough rider as President, the time appeared opportune to force the issue, and they did it to their sorrow. Riot, anarchy, violence, the result of bribing legislatures, has nearly run its course. The next strike is the ballot box to relegate the governor pertinently referred to as a "political accident."

WILLIAM D. HAYWOOD,
Secretary-Treasurer Western Federation of Miners.

DEPORTATION OF UNION MEN TO NEW MEXICO AND COLORADO POINTS.

A number of arrests were made by the militia in the Cripple Creek district on June 13, the most notable being that of Frank J. Hangs, a prominent lawyer and politician and local attorney for the Western Federation of Miners. He was arrested while in his office in Cripple Creek and was taken to the "bull pen" in the Armory Building, at Victor, where he was placed in a separate room, no one being allowed to speak to him or he to anyone. On the afternoon of the same day his residence was visited by two military officers who searched it for documents of the Western Federation of Miners and for private papers. In connection with this arrest Adjutant-General Bell said: "Mr. Hangs is a very dangerous agitator, adviser, aider and abettor, being himself a member of the Western Federation of Miners, which is in open rebellion and insurrection against the legally constituted authorities of the State. His arrest was a military necessity, and necessary for the peace, quiet and good of the county of Teller in the State of Colorado." Through the intervention of Sheriff Edward Bell, Mr. Hangs was released on June 19.

On June 14 Adjutant-General Bell issued the following order:

> Upon receipt of this order Lieut. Col. Leo W. Kennedy, First Infantry, N. G. C., will proceed by special train via the Florence and Cripple Creek Railway to Canyon City, taking with him the persons whose names appear on the list hereto attached. Upon his arrival at Canyon City he will proceed by the same special train, or such other train as may be furnished by the Denver and Rio Grande Railroad, via the railroads of the said Denver and Rio Grande Railway, to Salida, thence to Alimosa, thence to the southern boundary of the State of Colorado, where he will deposit the persons whose names appear upon the annexed list, seeing to it, however, that said persons are deposited upon territory within the boundary of the State of Colorado.

Judge H. McGarry, of Colorado Springs, a member of the military commission, being interviewed on the morning of June 14, said:

> We cleaned up the deportation slate last night as far as those arrested up to that time were concerned. We will have a short session this afternoon, beginning at 1 o'clock, at which we will attempt to dispose of the men arrested last night and this morning. We are not deporting any criminals nor any who might make good witnesses. The only difference between those deported and those remaining is in their expressed sympathies. Those who are on the wrong side of the Federation question have to go. Otherwise they are just as good men as many who are permitted to remain in their homes.

A special train left Cripple Creek at 2.30 and Victor at 3 p. m., June 14. It contained 33 men selected for deportation and a strong military guard. A number of these men had families in the district. General Bell had issued orders that members of their families might bid them adieu in the "bull pens" before leaving, but not at the railroad stations. Large crowds were present at the departure of the train from the Cripple Creek and Victor stations, but there was no demonstration at either place.

About 4.30 o'clock on the morning of June 15 the train was stopped on an alkali plain within sight of the big bowlder that marks the boundary between Colorado and New Mexico, about 5 miles from Antonito, Colo., and 35 miles from Tres Piedras, N. Mex. The deported men were unloaded, and each was offered two loaves of bread, two cans of beans, and a tin cup. Some of the men took the food and ate it, others refused it, while others took it and threw it away.

In accordance with General Bell's order, the train had stopped within the boundary of the State of Colorado. After some of the men had eaten, Colonel Kennedy ordered all of them to move across the line into New Mexico. Having crossed the line, some of them jeered at the Colorado soldiers. One, standing on the boundary bowlder, raised aloft half a loaf of bread and shouted defiantly at the soldiers, "Give me liberty or give me death." Another, standing near him, started to sing "Sweet land of liberty, of thee I sing," and others took up the words and sang the two lines over and over. The Belle Boyd Mining Company, of Tres Piedras, wished to employ the deported men, but they, with funds sent from the headquarters of the Western Federation of Miners, made their way to various places in Colorado.

On June 28 Adjutant-General Bell issued the following order:

> Upon receipt of this order, Capt. H. C. Moore, Second Infantry, N. G. C., will proceed by special train, via the Colorado Springs and Cripple Creek District Railway from Victor to Colorado Springs, Colo., taking with him the persons whose names appear on the list herewith attached. Upon his arrival at Colorado Springs he will notify the men in his charge to disembark from the cars, and he will

proceed to the Alamo Hotel, taking with him the detail in his charge accompanying him on this trip, leaving Colorado Springs Wednesday morning, June 29, 1904, and returning to Victor, reporting to General Bell. The travel enjoined is necessary for the good of the public service.

A special train bearing 39 men selected for deportation, with a strong military guard, left Victor at 6.30 p. m., June 28, and arrived at Colorado Springs at 9.20 o'clock the same evening. The chief of police of Colorado Springs refused to permit the men to be unloaded there. Captain Moore communicated by telephone with General Bell at Cripple Creek, and the latter ordered that the men be unloaded at Palmer Lake, several miles north of Colorado Springs, which was done.

On July 2 five men and on July 3 nine men who had been passed upon by the military commission as being undesirable residents were deported from Victor to Colorado Springs. One of the party of nine men was John Harper, former president of the Victor miners' union, and until June 6 manager of the union store at Victor, which had been closed and looted during the riot.

In addition to the parties of men who were deported from the Cripple Creek district during the last three weeks in June and the first week in July, not a few persons left the district by order of the military authorities without being compelled to go on special trains. They were simply told to leave and did so. In addition, at least 500 other persons left the district during that time without giving the military authorities an opportunity to arrest them.

On the night of July 6 five men were driven from Victor by a mob, first having been beaten, robbed, and otherwise mistreated. Their names were: David C. O'Neill, C. M. Tully, J. C. Fraser, Fred. Warburton, and William Heeney. Tully was president and O'Neill was secretary-treasurer of the retail clerks' union, and all five of them were members of the Western Federation of Miners. O'Neill was one of those who had been deported to Kansas on June 9. On July 6 he returned to Victor, armed with a pass from Adjutant-General Bell, as follows:

STATE OF COLORADO, ADJUTANT-GENERAL'S OFFICE,
Denver, Colo., July 4, 1904.

There will be no interference or molestation of D. C. O'Neill in transacting his business in Victor, Teller County, during the time he wishes to remain there upon his own volition, from the day he arrives in Victor until the following day in the afternoon, when he desires to leave Victor with his personal effects.

By command of

SHERMAN BELL,
Brigadier-General, Adjutant-General, State of Colorado,
Commanding Teller County Military District.

Tully had left the district on June 7, having been warned that he would be deported. During his absence his wife gave birth to a baby, after which General Bell gave him a pass to return. Warburton had left Victor soon after the explosion at Independence, but had returned with a pass issued by Col. Edward Verdeckberg. Fraser and Heeney had been in the district during the entire disturbance. Fraser had a pass from General Bell.

On the afternoon of July 6 O'Neill, Fraser, and Warburton were arrested and taken to the "bull pen" at Victor, but, having exhibited their passes, they were, after some detention, released. Afterward, on the same day, they were arrested by Kid Walters, William Dingham, and other deputy sheriffs, and taken to a room in the Baltimore Hotel. Tully and Heeney were also arrested by deputy sheriffs and taken to the same place. The radical members of the Citizens' Alliance objected to the presence of these men in the district and were dissatisfied because passes had been issued to any of them, being opposed to permitting any person who had been deported to return. Some of the members of the alliance wore buttons bearing the inscription, "They can't come back."

About 10 o'clock at night the deputies started out with the prisoners, to take them to the county jail, or to take them to Santa Rita station, to be deported on the Florence and Cripple Creek Railroad, or with some other object in view. However this may have been, a dozen armed men appeared when the party passed the depot in Victor and took the five men from the deputies. The mob, increased to about 50, took the five men some distance out of town, where they flogged O'Neill, Fraser, Warburton, and Heeney. O'Neill was also beaten with a club, and Fraser was knocked down with a rifle, beaten with a revolver, and kicked. Tully was not assaulted because, as one of the mob explained to him, he was small and looked weak. The five men were robbed of their money and valuables, amounting in value to about $250, and also of everything else in their pockets, including the passes which had been issued by the military authorities. Then they were ordered to leave the district and threatened with hanging if they should ever return. About 11 p. m. they began the march across the hills to Canyon City, where they arrived about 7 a. m. July 7. Deputy Sheriff Waters informed Capt. H. G. Moore, in command of the militia in the Cripple Creek district, and the latter with 10 cavalrymen started out to hunt the mob and the prisoners, but the search was fruitless. Being provided with transportation by the Western Federation officials in Denver, O'Neill, Fraser, and Warburton left Canyon City in the afternoon and arrived at Denver on the evening of July 7.

On the evening of July 7 Frank P. Mannix, county clerk and recorder, was arrested at his home in Victor by Harry Guidon, a deputy sheriff. He was taken before the military commission and examined as to his attitude regarding the labor disturbances. The commission requested him to hand in his resignation as clerk and recorder, but this he declined to do. After the examination the deputy sheriff released him from custody. By order of Adjutant-General Bell he was given a military guard, which accompanied him to his home, and guarded his home during the night. His home was guarded also on the following night. On July 9, accompanied by General Bell, Major McClelland, Postmaster Reardon, and two private soldiers, Mr. Mannix went to Canyon City. He announced that he had no idea of resigning his office, but intended to retire to his ranch at Montrose and remain there until he could safely return to Cripple Creek and live in peace. In his absence the duties of his office were attended to by Deputy Clerk and Recorder O'Neill.

In discussing the situation in Teller County, Governor Peabody said on July 11:

> I can not promise the people of Cripple Creek any special guaranty of safety any more than I can pledge any other citizen of the State of Colorado immunity from danger. I can assure both them and the citizens generally that I will do everything that can be done to preserve peace and order and to maintain such a condition in the State as will result in happiness and safety to everyone, but that is the best I can do. So far as pledging protection to deported men who apply to the military for assistance to go back to the district, I could not do this indiscriminately. There are some of those deported men who would not be permitted to live in the district.

ASSISTANCE TO STRIKERS BY ORGANIZED LABOR.

The strikes of the Western Federation of Miners in Colorado during 1903 and 1904 were indorsed by labor unions generally throughout the United States, and they contributed largely to the relief funds distributed to the striking metalliferous miners. During the eighteen months from April 1, 1903, to October 1, 1904, the total expenditures of the Western Federation of Miners amounted to $514,347.98, of which $154,699.22 had been contributed by other labor unions, representing practically every labor organization in the country. The Western Federation of Miners has never been affiliated with the American Federation of Labor, but on June 20, 1904, the executive council of the latter issued the following appeal in behalf of the former:

> AMERICAN FEDERATION OF LABOR,
> *Washington, D. C., June 20, 1904.*
>
> *To Organized Labor of America, Greeting:*
>
> You are fairly or fully familiar with the outrageous condition of affairs which exists in Colorado, and, therefore, a brief résumé here will be preferable to details which may be learned through another and more convenient source. Suffice it to say that in Colorado to-day all semblance of civil law and constitutional rights are trampled under foot and flagrantly violated. The rule of gun and bayonet is supreme, and doing the bidding of the most unscrupulous organization of men, who are prompted by no other thought or purpose than avarice, greed, and power—the mine owners—organized as the Citizens' Alliance. They have Governor Peabody absolutely under their

thumb. He is doing their bidding and carrying out the bargain entered into prior to his election, to prevent the enactment of the eight-hour law by the Colorado legislature, and which enactment is directly commanded by the constitution of that State.

There can be no question as to the fact that this gross violation of constitutional command, the failure to enact an eight-hour law, was the cause of the strike for the enforcement of an eight-hour workday and the effort on the part of the mine owners to frustrate that effort by every means at their command, and the sending of the military forces by Governor Peabody to overawe the miners and to break the strike. Whatever lawlessness has been committed by either or both sides is due to the first lawless act of the governor of Colorado and his continual usurpation of power and exercise of tyranny and brute force.

Surely it is entirely superfluous and unnecessary for us to say that we have no excuse to offer for crime committed no matter by whom, and that there are certain policies pursued by the Western Federation of Miners that run counter to those advocated by the American Federation of Labor, but we submit that in the conception and execution of justice there can not be and ought not to be one rule of law for one and another for the other among our people.

Under the combined domination in Colorado of the mine owners, the governor, and the military forces, the State courts have been unable or unwilling to accord men either a fair trial or any trial at all, or accord them the rights to which they were entitled under the constitution and law of the State and the United States, so that the judiciary in Colorado has largely yielded the civil rights and functions of the court to the combination of plutocracy and militarism.

If the striking miners have been guilty of the crime with which they are publicly charged, they should be arrested, indicted and tried by the courts of the State, and if found guilty by a jury of their peers, punished. But this should be by due process of law provided by the statute and the constitution of Colorado by our country.

There can be no justifiable excuse for abolishing civil law and civil government in any district of Colorado and establishing military rule so long as there is one district in all the State in which a trial in the civil courts, before an impartial an unprejudiced jury, is possible.

Weeks have elapsed since the dynamite disaster by which many men were killed and wounded at Victor, Colo., yet not one scintilla of evidence, either official or unofficial, has been vouchsafed the public connecting the striking miners or their organization with that disaster. Yet men have been placed under military arrest, thrown into the bull pen without any charge having been made against them by any complainant, judge or grand jury.

The mine owners, under the assumed name of the Citizens' Alliance, have unceremoniously summoned the officers elected by the people and demanded their resignations, and if they either refused or hesitated, ropes with nooses at the end were flung at their feet, the alternative given them for signing their already prepared resignations or be hanged.

Men against whom no charge, either direct or indirect, was made, were dragged bodily from their homes by armed guards, placed on trains and deported from the State.

The Citizens' Alliance has declared "Death to unionism in the

Cripple Creek district," and this is evidently its purpose, though its members have for strategic reasons, moderated that declaration. Nor do they have in mind the Cripple Creek district alone, but organized labor of the entire country, for all will readily understand that the mine owners' organization of Colorado, that is, the Citizens' Alliance, is an offshoot of the "Parry" species of antagonism, regardless of the attitude which the trade-union movement may take.

In view of the critical situation of affairs in Colorado, and the fact that there is not now and may not for some time be a fair opportunity for the miners of Colorado to have accorded them and maintained by the courts of that State the rights to which the men are entitled, both in accordance with the laws and constitution of Colorado and the United States, we are firmly of the opinion that their only redress is to and through Federal courts of the United States.

And inasmuch as there are unlimited millions at the disposal of the mine owners' of Colorado, in their lawless and brutal attempt to rob the men of their organization and their liberty (and if they deem necessary of their lives) in the interest not only of the labor movement but in the interest of justice and right, fair dealing, the protection of the rights and liberties and lives, the rights for which the labor movement stands.

We appeal to all organized labor and friends to give not only their moral but financial assistance, so that the great questions of constitutional liberty, human rights and civil government may be properly presented and defended and we hope finally proclaimed and sustained by the Federal courts of our country.

A special session of the Colorado legislature must be called at once to comply with the command of the State constitution and enact an eight-hour law with proper penalty provisions against its violation. The legislature must hold to a strict accountability all who have violated statutory, constitutional and fundamental law and human rights. In the meantime every effort should be made by all lovers of their fellows to bring to an amicable adjustment the industrial situations which now obtain in Colorado. The freedom of speech, the freedom of the press, the right of home are involved; the principles of our Republic, the progress of civilization are hanging in the balance.

Send all financial contributions to maintain the legal rights of the Colorado miners to Mr. W. D. Haywood, secretary of the Western Federation of Miners, 625 Exchange Building, Denver, Colo.

Fraternally yours,

[SEAL] SAML. GOMPERS, *President.*

Attest:

FRANK MORRISON, *Secretary,*
JAMES DUNCAN, *First Vice-President,*
JOHN MITCHELL, *Second Vice-President,*
JAMES O'CONNELL, *Third Vice-President,*
MAX MORRIS, *Fourth Vice-President,*
THOS. I. KIDD, *Fifth Vice-President,*
D. A. HAYES, *Sixth Vice-President,*
DANIEL J. KEEFE, *Seventh Vice-President,*
WILLIAM J. SPENCER, *Eighth Vice-President,*
JOHN B. LENNON, *Treasurer,*
Executive Council American Federation of Labor.

ASSISTANCE TO FAMILIES OF STRIKERS FORBIDDEN EXCEPT THROUGH MILITARY AUTHORITIES.

Until June 6, 1904, members of the Federation had been allowed to draw supplies from the union stores at Cripple Creek, Victor, Goldfield, and Anaconda. Married men were allowed goods to the value of $9 per week, single men to the value of $5 per week. When these stores were closed during the riot of June 6, the Western Federation of Miners made arrangements with two grocers, John W. Ganley, of Cripple Creek, and John Ketelson, of Victor, to furnish supplies to the needy families of members of the Federation who had been deported from the district. From June 7 to June 14, inclusive, Ganley supplied 150 families and Ketelson 163 families with provisions. The cost to the Western Federation of Miners for these supplies was about $2,000.

On June 14 Col. Edward Verdeckberg issued the following order:

SPECIAL ORDER No. 19.

NATIONAL GUARD OF COLORADO,
HDQS. TELLER CO. MILITARY DISTRICT,
Victor, Colo., June 14.

No organization will be allowed while this county is under military control to furnish aid in any form to the members of any organization or their families in this county, unless the same is done through military channels. Maj. Thomas E. McClelland is provost-marshal of this military district, and he stands ready to receive from any person or organization any money or other supplies which are for distribution to any person rendered needy by reason of the military occupation of this county for the suppression of insurrection, and all money and other supplies so furnished will be applied to the relief of the persons above referred to.

EDWARD VERDECKBERG,
Colonel First Infantry, First Brigade, National Guard of Colorado, Commanding Teller County Military District in the Absence of Brigadier-General Sherman M. Bell.

John W. Ganley and John Ketelson being summoned before the military authorities, were instructed not to sell any more goods on Western Federation orders. Many people in the district then contributed of their private means to the relief of the families of deported men. On the evening of June 17, two women, Mrs. Estella Nichols, of Cripple Creek, and Mrs. Margaret M. Hooten, of Anaconda, who had been distributing supplies to union families, were summoned before the military authorities. Being warned that such distribution would not be tolerated, they promised that they would cease helping the families of the absent miners.

On July 18 H. B. Waters, secretary-treasurer of the Colorado State Federation of Labor, made an appeal to Mrs. John A. Logan, president of the National Red Cross Society. Quoting the order of Colonel Verdeckberg, he said:

Now, since they have resorted to this method, which was entirely uncalled for, and which we believe was done for the sole purpose of breaking the spirit of the fathers through the suffering of their wives and children, we do not feel justified in trusting the matter of relief to the military, feeling satisfied that owing to the hatred they have shown to our people they would not faithfully carry out this great trust.

Now, therefore, we, knowing it to be the mission of the Red Cross Society, of which you are the official head, to take charge of and as much as possible eliminate suffering caused by the cruelties of war, we earnestly appeal to you to arrange to have your noble organization take charge of the distribution of food and clothing to the families of deported citizens of Teller County. We will furnish all necessary supplies, and only ask that your organization take charge of the distribution of same.

Soon afterward military rule came to an end in Teller County, the last county in the State in which such rule had existed.

CHAPTER XXIX.

MINES OPERATED ON OPEN-SHOP PRINCIPLE CLOSED BY MILITARY AUTHORITIES.

For ten years after the strike of 1894 was settled, the Portland mine, the largest ore-producing mine in the Cripple Creek district, was operated on the open-shop principle. From 1894 the mine was managed by J. F. Burns, the president of the Portland Gold Mining Company. Early in 1901 Mr. Burns withdrew from the Mine Owners' Association. About the same time there were posted in conspicuous places on the Portland premises copies of the following notices:

Card No. 1.

The employees of the Portland Gold Mining Company are not required to show cards of membership in the unions unless they desire to do so, and all persons are hereby notified that any person or persons who shall endeavor to compel the men to show their cards by threats or undue influence will be ordered off the premises.

No discrimination will be made by this company in the hiring of men.

THE PORTLAND GOLD MINING COMPANY,
By JAMES F. BURNS, *President.*

Card No. 2.

All persons are hereby notified that soliciting, coercion, or intimidating an employee of the Portland Gold Mining Company to join any labor union will not be tolerated, and any person found doing so will be ejected from the property, and if an employee, will be immediately discharged.

The management claims the right to employ whoever it pleases without discrimination in favor of or against any class of men whatsoever.

THE PORTLAND GOLD MINING COMPANY,
By JAMES F. BURNS, *President.*

Card No. 3.

To whom it may concern:

All persons are hereby notified that if any employee of the Portland Gold Mining Company is assaulted, threatened, kidnaped, or otherwise maltreated for his failure or refusal to join any union, that fact will be taken as conclusive that the miners' union is hostile to the company, and the mine will be shut down; and, further, this company will protect to the full extent of the law all employees against any attempt on the part of the union or organization of whatsoever nature to force or coerce the employees of this company to join.

The management claims the right to employ whoever it pleases, without discrimination in favor of or against any class of men whatsoever.

THE PORTLAND GOLD MINING COMPANY,
By JAMES F. BURNS, *President.*

These cards were replaced whenever necessary until June 9, 1904.

At a meeting of the Cripple Creek Mine Owners' Association on September 12, 1901, the following resolution was adopted:

Be it resolved, That we unitedly adopt and pursue all lawful means to protect our employees against any attempts on the part of any person or persons to coerce the men into joining any organization whatsoever, it being the sense of this meeting that this is a free country, and that every citizen has a right to exercise his individual judgment.

At this same meeting a supply of cards, being an exact duplicate of card No. 3, as shown above, was ordered printed and posted at all association mines, which was done.

As announced in a statement issued by the Mine Owners' Association on March 10, 1904, "The avowed purpose of this association is to drive the disturbing and dangerous element of the Western Federation of Miners from the district and from the State, if possible." On September 17, 1903, the Mine Owners' Association gave notice that thereafter members of the association would refuse to employ any member of the Western Federation of Miners. The Portland Gold Mining Company continued to operate on the open-shop principle. On June 9, 1904, Adjutant-General Bell issued the following proclamation:

Proclamation.

MILITARY HEADQUARTERS,
Victor, Colo., June 9, 1904.

Whereas the governor of the State did, by proclamation issued on the 7th day of June, 1904, declare the county of Teller therein to be in a state of insurrection and rebellion, and the territory comprising the said county is now under the rule of military law, and now being held and occupied by the militia of said State; and

Whereas a reign of lawlessness, violence, and crime has existed in said county for several months last past, inaugurated, encouraged, and carried forward by certain evil-disposed persons, resulting in wholesale assassinations of many peaceable and law-abiding citizens; and

Whereas said reign of violence and crime still exists in said county, so that the peace of the community is threatened, lives and property of the citizens are menaced, and mob rule and violence now threaten to override the law; and

Whereas the Portland mine, situated in said county, is, and for a long time has been, engaged in employing and harboring large numbers of dangerous, lawless men, who have aided, encouraged, and given comfort and assistance to those who have been guilty of said crimes and outrages, so that said mine has become and now is a menace to the wellfare and safety of the good people of said county and a hindrance to the restoration of peace and good order:

Now, by the power conferred on me as commander of the military force in said county, and as a military necessity, it is ordered that the said mine be at once closed and all men found therein or thereabouts who are dangerous to the community be arrested and held until further orders.

SHERMAN M. BELL,
Brigadier-General, Adjutant General State of Colorado,
Commanding Military District, Teller County, Colo.

This order was put into effect immediately. General Bell and Sheriff Edward Bell, with 150 men, some militia and some deputies, went to the Portland mine and entered the general offices, where General Bell read his proclamation. F. H. Curry, superintendent of the mine, then inquired:

"Do you wish us to close right away?"

"If it inconveniences you, certainly not," replied General Bell.

"Very well, then, let us wait until the shift comes off at 4.30," replied the superintendent, adding, "Do you wish any of the men?"

"I do not," replied the general.

Then it was arranged that 24 of the company's employees should be left in charge to guard the property and keep the necessary parts running, and General Bell assured the superintendent that he would furnish all guards needed to protect the mine. Mr. Curry asked if the soldiers could be taken away, and General Bell replied in the affirmative. The soldiers and deputies then returned to Victor. General Bell being interviewed on the following day, said: "The Portland mine was closed to prevent union men from contributing to lawless strikers."

By the enforced closing of the Portland mines about 475 men lost employment. Many of these were union men, and were very soon deported.

On June 11 Adjutant-General Bell issued another proclamation, which was a verbatim copy of his proclamation of June 9, except that instead of ordering the Portland mine closed he ordered the closing of the Pride of Cripple Creek and of the Winchester lease and the Morgan lease on the Wedge property. These mines are located at Anaconda, and they were closed on the same day by a sergeant with a detail of 18 soldiers and deputies.

On June 17 James F. Burns, in the name of the Portland Gold Mining Company, filed suit in the United States circuit court for a temporary writ of injunction to restrain Governor James H. Peabody, the officers and men of the National Guard of Colorado, and other persons, from interfering with the operations of the Portland mine. In the same court Mr. Burns also filed damage suits against Governor Peabody, Adjt. Gen. Sherman M. Bell, Sheriff Edward Bell, and his deputies who had assisted in shutting down the Portland mine, C. C. Hamlin, secretary, and others connected with the Mine Owners' Association, claiming $100,000 damages, alleged to have been sustained by the forcible closing of the mine and the deportation of many of its best miners.

The directors of the Portland Gold Mining Company, at a special meeting on June 19, repudiated this action of President James F. Burns and ordered these suits withdrawn and the mine to be reopened with nonunion men. Accordingly, the mine resumed operations with nonunion men on June 21. All former employees yet remaining in the district who wished employment were reemployed on condition that they had procured cards from the Mine Owners' Association. However, this condition was not enforced against the mechanical force in the mine—the master mechanics, engineers, firemen, electrician, boss carpenter, etc.,—for the reason that nonunion men to fill their places could not be readily obtained. On account of this exception the militia, on July 19, arrested such skilled men who were working in the mine and imprisoned them in the "bull pen." Thus the mine was closed for a second time. But the shut down was only temporary, as military rule in Teller County ended by the governor's proclamation on July 26.

On June 10 Stratton's Independence mine and the Shurtloff mine resumed work with 480 and 90 men, respectively, and on June 11 the El Paso mine with 160 men. By June 13 operations had begun in all the mines which had been closed for some time, except the Portland mine, the Pride of Cripple Creek mine, and the Winchester and Morgan leases on the Wedge property.

CHAPTER XXX.

THE CLOSE OF THE STRIKE AT TELLURIDE.

MILITIA WITHDRAWN FROM SAN MIGUEL COUNTY.

On June 15, 1904, Governor Peabody issued the following executive order:

State of Colorado, Executive Chamber, Denver.

Executive Order.

Whereas, on the 23d day of March, A. D. 1904, I did issue my proclamation declaring the county of San Miguel, in the State of Colorado, to be in a state of insurrection and rebellion; and

Whereas, since the date thereof, by reason of military rule, the conditions within said county have so materially changed and improved that I am informed by reliable authority that peace and good order have been so fully restored that the civil authorities in and for said county of San Miguel are able, ready, and willing to control the situation, to perform their legal functions, to fully protect life and property, and to enforce the constitution and laws of this State: It is therefore

Ordered, That the further application of military authority under said proclamation shall be, and hereby is, suspended; and it is further

Ordered, That this executive order suspending military authority in said county shall become operative and be in full force and effect from and after Wednesday, June 15, 1904, at 9 o'clock p. m.

Given under my hand and the executive seal this 15th day of June, A. D. 1904.

James H. Peabody,
Governor and Commander in Chief.

In another executive order Capt. Bulkeley Wells, commanding the troops at Telluride, was ordered to relieve from duty all members of the National Guard on duty in San Miguel military district at the hour of 9 p. m., June 15.

By order of Captain Wells, Harry A. Floaten had been required to leave Telluride. After the executive order withdrawing troops from San Miguel County was issued, Mr. Floaten interviewed Lieutenant-Governor Warren W. Haggott about being permitted to return, Governor Peabody being absent from the State. He was informed that if he had committed no crime the lieutenant-governor knew of no reason why he should not return. The lieutenant-governor said he would do anything in his power to protect the rights of Mr. Floaten, but the latter must first have recourse to the courts. Afterwards, on June 23, Mr. Floaten returned to Telluride. On his arrival he was arrested by the city marshal and detained in the sheriff's office an hour or two, but no charge being brought against him, he was then allowed to go to his home to visit his family. At a late hour at night he was waited upon by a committee of five citizens and advised, for his personal safety, to leave town on the first train. Accordingly, he left on the early morning train June 24. On July 4 he again returned to Telluride, announced his intention to remain, went about his business, and was unmolested.

DEPORTATIONS BY CIVIL AUTHORITIES.

On July 6 three men were deported from Telluride, one of whom was Thomas Nelson, who for three months had acted as president and secretary-treasurer of the local miners' union. During that time he had sole charge of the property of the union, amounting to $50,000. Together with his wife, he had conducted a boarding and rooming house at the hospital building of the Western Federation of Miners, where had been quartered from 40 to 60 union miners.

On July 15 the entire force of 30 miners at the Mayflower mine went out on strike, their grievance being that the Philadelphia mill, at which Mayflower ore was being treated, was operated with twelve instead of eight hour shifts.

The civil authorities at Telluride deported 1 union man on July 18, 1 on July 19, and 2 on July 22. One was deported on July 29, and 4 on August 21. On June 30, Manager Bulkeley Wells, of the Smuggler Union mine, issued a statement in part as follows:

> By order of the directors, operations of the Smuggler properties will be discontinued July 1. This action was made necessary by the inability of the management to procure a sufficient number of thoroughly competent miners to man the mines fully. The fear of a repetition of the riot and murderous assaults upon nonunion men, perpetrated by members of the local union during the past three years, and the dread inspired by such dastardly crimes as the explosion at the Vindicator mine and at Independence station, in the Cripple Creek district, has sufficed to deter from returning to the Telluride district most of the miners who were formerly here employed and new men from entering the district. While it may not be just to charge these crimes directly to the organization which ordered the strike in the Telluride district against the wishes of a large majority of the workingmen, it is certain that prior to the developments in Colorado of miners of the type fostered by the Western Federation of Miners, murderous attacks and explosions had no place in the mining industries of the State.

When in full operation, about 400 men had been employed by the Smuggler-Union mine. At the time of the close down, the number was about 200, all of whom were nonunion men. The union alleged that the reason of the close down was that many of these 200 "strike breakers" were so inefficient that the property could not be operated profitably with their labor. Afterward the mine was worked in part under the lease system by three lessees.

SCALE OF WAGES IN EFFECT AFTER STRIKE.

In November the mine owners in the district voluntarily granted eight-hour shifts to all employees, to take effect on December 1, 1904. The following scale of wages was posted on the properties of the Smuggler-Union Mining Company. This scale, being adopted by other companies, now prevails in all the mines and mills in the Telluride district:

Notice.

On and after the 1st day of December, 1904, employees of the Smuggler-Union Mining Company will be paid according to the following scale:

	For 8 hours.
Mines, under ground:	
Miners	$3.00
Machine men	4.00
Trammers and shovelers	3.00
Drivers, caring for horses	3.25
Drivers, not caring for horses	3.00
Timbermen	3.50
Timbermen helpers and laborers	3.00
Nippers	3.00
Hoisters (engineers)	4.00
Station tenders	3.00
Cage tenders	3.50
Mines, outside:	
Engineers	3.50
Engineers (if hoisting men)	4.00
Firemen	3.00
Blacksmiths	3.75
Blacksmiths' helpers	3.00
Tool sharpeners	3.25
Carpenters	3.75
Laborers	3.00
Tramway:	
Gripmen and loaders	3.00
Brakemen	3.75
Linemen	4.00
Mills, cyanide works, etc.:	
Crusher men	3.00
Battery men	3.50
Battery helpers	3.00
Huntington and Chili mill men	3.00
Concentrator men	3.50
Concentrator men helpers	3.00
Engineers	3.50
Firemen	3.00
Blacksmiths	3.75
Carpenters	3.75
Laborers and shovelers	3.00
Canvas plant employees	3.00
Solution men	3.50

Boarding house:

- Head cook (if over 100 men), $100 per month and board.
- Night cook and baker (if over 100 men), $90 per month and board.
- If less than 100 men these wages are subject to special agreement.
- If over 175 men the head cook will be furnished with a meat cutter, at $80 per month and board.
- Second cook, $65 per month and board.
- Waiters and dishwashers, $60 per month and board.

The rate of wages for all labor not enumerated hereon, and including foremen, shift bosses, head mechanics, etc., shall be subject to special agreement.

Apprentices will be employed under special arrangement.

All men are required to go to and from their work on their own time.

Contracts, where made, are to be in writing.

One dollar per day will be charged for board and lodging.

THE SMUGGLER-UNION MINING COMPANY.
By BULKELEY WELLS, *Manager*.

STRIKE DECLARED OFF.

At a special meeting of San Juan District Union No. 3, of the Western Federation of Miners, held at Ouray on November 29, 1904, the strike which had been called on September 1, 1903, was declared off. The meeting was attended by Charles H. Moyer, president of the Federation, who, in an interview on November 29, said:

> We have called the strike off because we take the position that the issues involved have been conceded by the mine owners and operators in the Telluride district, in that they recently posted notices to the effect that after December 1 they would grant an eight-hour work day, both for their mills and smelters, and a minimum wage scale of $3. These were the demands we made over one year ago.
>
> We have had no conference with either the mine owners or mine operators, and have no knowledge of what position they are going to take regarding the union. But the fact that they have granted our demand indicates that they will ask no questions, and neither will we ask any questions, and I believe that within sixty days every mine and mill at Telluride and Ophir will be running to its full capacity, with the best workmen in the West employed.
>
> There is no reason now why conditions should not return to their normal state. We are just as anxious as anyone that the trouble of the last eighteen months in the Telluride district shall end as speedily as possible. We intend to do our best to equip these mines with the best men in the West, and thereby secure the greatest financial results for their owners.
>
> There is only one cloud on the horizon, and that is the Citizens' Alliance of Telluride. During the past ten days it has deported six or eight of our men; but I do not believe the mine owners of Telluride had anything whatever to do with this deportation. I believe the mine owners are inclined to treat us fairly and to meet us half way, and I believe that public sentiment will demand that the Citizens' Alliance keep out of the question entirely. You can rest assured that we are glad the strike is over. The action of the association will allow every union man in the country to come into the Telluride district and go to work.

Telluride Miners' Union No. 63 issued the following statement, which was indorsed by the San Juan District Union No. 3 on November 29, and by the executive board of the Western Federation of Miners:

> The mines and mills of Telluride could have and would have been

as successfully operated were it not for the meddling interference of the Citizens' Alliance. A number of conferences were held between the officers of the Telluride union and the mine managers, and we are reliably informed that an amicable settlement would have been brought about were it not for the animosity displayed by the Business Men's Association, now known as the Citizens' Alliance. It was the object of the Citizens' Alliance to disrupt organized labor, and the policy pursued afterwards by the organization leaves no doubt as to their nefarious intents and purposes. * * *

The expectations of the mine managers and the members of the Western Federation of Miners would have been realized were it not for the visit of the trio of the Citizens' Alliance who called on the governor and demanded that the State militia should be sent to San Miguel County for no other purpose but to destroy organized labor and suppress the right of the laboring man to join hands with his fellows in any organization that meant his mutual welfare and protection.

After fourteen months of industrial conflict, for which the Citizens' Alliance is solely responsible, the mine managers have discovered that the interests of the Citizens' Alliance are not the interests of the mine operators, and the Citizens' Alliance is not a promoter of peace, but of strife. The mine managers have accordingly posted notices at their various properties conceding the eight-hour day and the minimum wage of $3 per day, which was all that was asked before the strike was declared on September 1, 1903.

We would infer from the action taken by the mine managers in granting the eight-hour day and a satisfactory wage scale that it is their desire that peace and normal conditions shall again prevail in San Miguel County. We, as members of the Western Federation of Miners of the San Juan district, are in hearty accord with this sentiment. The issues involved in the controversy having been adjusted, we have no desire that any conflict shall be continued, but in the language of our preamble, "to use all honorable means to maintain and promote friendly relations between ourselves and our employers, and endeavor, by arbitration and conciliation or other peaceful means, to settle any difficulties which may arise between us." It will require a large number of practical mine and mill men to successfully operate the mining properties of Telluride and place them upon a paying basis.

As such men return to Telluride we will expect the mine owners to cooperate with us to prevent the Citizens' Alliance from continuing assaults upon the rights of men "to work when, where, and for whom they please," and reside in any community which they may select as an abiding place. We demand that the Citizens' Alliance shall be prohibited from employing armed forces and murderous thugs, contrary to the laws of the State. We shall expect that the laws shall be made effective and that the restraining order of the district court shall be obeyed.

RECENT CONDITIONS AT TELLURIDE.

The following statement regarding recent conditions at Telluride has been furnished by the manager of one of the prominent mining companies at that place. Under the date of December 15, 1904, he wrote:

> The strike of 1903–4 has not been settled. After the election was over this fall, and their action could have no political effect, the mine operators established an eight-hour day for all employees; not in recognition of the demands of the Federation, but because they realized that the new legislature would enact an eight-hour day, and preferred to have their employees feel that the change in hours was made rather out of regard for their wishes than simply because the law ordered it.
>
> The operators of the district have never been opposed to an eight-hour day, provided some adjustment of the wage scale were made to offset in part the increased cost of such a change. The new scale of wages, with eight-hour shifts for all employees, which the operators put into effect on December 1, 1904, I submit as evidence of the disposition of the operators to treat their employees fairly. As against the reduction in hours, in most instances of one-third, the reduction in wages has been only one-seventh or one-eighth.
>
> As the operators voluntarily had granted all that the Federation demanded, the Federation ordered the strike in this district discontinued. However, the operators have had no negotiations whatever with the Federation, nor will they unless unionism, and not socialism, becomes the controlling consideration in that organization. We are not knowingly employing any members of the Western Federation of Miners, because we do not believe that we can afford to allow a branch of that organization to become reestablished in this district while the socialistic element in the organization continues to direct its policies.
>
> The mines are manned, certainly to a very large extent, by nonunion men, and there is a sufficient surplus of nonunion men in the district to supply our present needs. In spite of the fact that no more men can be given employment in the district at this time the Western Federation of Miners is sending back into the district as rapidly as possible a large number of the men who were deported by the military authorities for a cause. These men know that they can not get work in the district, and therefore we are obliged to believe that they return for no good purpose. We still continue our methods of protecting our properties by searchlights, rapid-fire guns, and day and night guards, and shall continue to do so as long as the Federation shall continue its efforts to force upon this district a class of men who have made life well-nigh unendurable and mining operations almost impossible. Of course the Federation always asserts that its members take no part in the criminal acts with which they are charged, and declines all responsibility in such matters. If this be true, it is certainly a strange coincidence that in every case nonunion men are the only sufferers.

CHAPTER XXXI.

CONDITIONS IN CRIPPLE CREEK DISTRICT UPON THE CLOSE OF MILITARY RULE.

WITHDRAWAL OF MILITIA.

On July 26, 1904, Governor Peabody issued the following proclamation:

Executive order.

Whereas on the 7th day of June, A. D. 1904, the county of Teller, in the State of Colorado, was, by executive proclamation, declared to be in a state of insurrection and rebellion; and

Whereas since the date of such proclamation the conditions within said Teller County have rapidly and continuously improved, until I am informed by the civil officers and the law-abiding people in said county that peace and good order has been restored, and the sheriff of said county has notified me that the civil authorities are fully able, willing, and ready to control the situation, to perform their legal functions, and to enforce the constitution and laws of this State: It is, therefore,

Ordered, That the further application of military occupancy or authority under such proclamation shall be, and hereby is, suspended.

This order to become operative and be in force and effect from and after Tuesday, July 26, A. D. 1904, at 6 o'clock p. m.

Given, under my hand and the executive seal, this 26th day of July, A. D. 1904.

James H. Peabody,
Governor and Commander in Chief.

This proclamation was signed by the governor about 2.30 p. m., and immediately Adjutant-General Bell drew up the following order:

General Order No. 30.

Capt. H. G. Moore, commanding troops Teller County military district, National Guard of Colorado, will immediately upon receipt of this order relieve from duty all officers and enlisted men now on duty in said Teller County military district, National Guard of Colorado, with instructions to proceed forthwith to their home stations, and upon arrival at their respective stations will stand relieved from duty.

By command of James H. Peabody, governor and commander in chief.

Sherman M. Bell,
Brigadier-General, Adjutant-General, State of Colorado.

The proclamation of the governor relieving Teller County from "the further application of military occupancy or authority" was issued upon the advice of the military commission at Cripple Creek, Sheriff Edward Bell, and many business men. At the time of issuing it Governor Peabody said:

> I have called off the militia. Now, let the unions do the proper thing and call off the strike. We can then submit our differences to the people at the polls and let them decide at the next election who is right. The burden assumed on the 4th of last September I lay aside with the signing of this order. From that time the military has been out continuously, and six campaigns have been conducted; and now that all is over, at least for the time being, I can say I am satisfied with both the military operations and their result. The campaign has been conducted honorably, justly, conscientiously, and humanely.

Adjutant-General Bell said: "I look for trouble to start as soon as the troops are withdrawn and military control is ended."

Secretary-Treasurer W. D. Haywood, of the Western Federation of Miners, issued the following statement on the evening of July 26:

> If Governor Peabody had embodied in his call to the legislature, when he reconvened that body to pass the appropriation bill, notice of consideration of the eight-hour law, most of the strikes now existing in Cripple Creek, Salida, Idaho Springs, Durango and Telluride would already have been settled and the governor would never have had any occasion to call out the militia in the first place.
>
> The calling off of the militia by Governor Peabody has not the slightest logical bearing upon the proposition to call off the strike. We have not been striking against the use of the militia, although it has been hired to the mine operators for use against the unions in the strike. Our original contentions were, and still remain, for the establishment of the right to organize to prevent unjust discrimination against members of the Western Federation of Miners and to establish the eight-hour day.
>
> We have been forced to go further and to struggle for the maintenance of principles which have usually heretofore been considered self-evident propositions. The fight in Colorado now is for the maintenance of those principles of this Republic which guarantee to every citizen the right to live in any place he chooses. This and all other fundamental principles guaranteed by the Constitution of this country have been openly violated in Colorado. Merely by calling off the militia Governor Peabody does not guarantee that these sacred rights will be permanently assured to residents of the Cripple Creek district, or to citizens of any other section of the State, for that matter.
>
> Never was there any occasion warranting the calling out of the militia, and Governor Peabody now calls off his dogs of war at this time solely on account of the great pressure brought to bear upon him by the managers of the Republican party, who realize that his "business administration" has proven a failure and that his war upon unions will result not only in the defeat of the Republican party in this State at the fall election, but will seriously affect and cripple the chances of that party in many States throughout the Union.

By order of Capt. Harry G. Moore, the governor's proclamation was posted in the various towns of the district about 6 o'clock on the evening of June 26. Captain Moore relieved from duty all members of Company L and other militiamen who were serving in the district, numbering at that time only about 47. Thereafter Sheriff Edward Bell and his deputies had absolute control in maintaining law and order in Teller County.

The military commission established on June 8 made its final report on the evening of July 26, as follows:

> The commission assembled at once and elected H. McGarry as president and Nelson Franklin as recorder, and proceeded to examine all parties appearing. The number of those appearing was 1,569; the number of those recommended for deportation was 238; the number of those recommended for trial in the criminal courts was 42; the number recommended for release was 1,289.
>
> Of those recommended for deportation the list was composed of agitators, ore thieves, keepers of fences for stolen ore, habitues of bawdyhouses, saloon bums and vagrants. The examination was conducted along the line of desirability of those examined for residence in the district, with a view to peace and law observance, and no other purpose was had in view of the recommendation.
>
> H. McGarry.
> Nelson Franklin.
> F. D. French.
> J. B. Cunningham.
> G. E. Copeland.
> Frank M. Reardon.
> T. J. Dalzell.

Patrick McCarvel, a business man owing considerable real estate in Victor, had been deported to Kansas on June 10, and since that time had been living at Colorado City. He had been deported because he was a strong union sympathizer and had made unfavorable comments on the action of Governor Peabody, Adjutant-General Bell, and the militia. On the morning of July 28, Mr. McCarvel communicated with Sheriff Edward Bell and announced that he desired to return to Victor and resume his residence there if the civil authorities would guarantee to protect him from violence at the hands of those opposed to the Western Federation of Miners. Sheriff Bell not only informed Mr. McCarvel that he would not guarantee to protect him from harm, but strongly advised him not to return to the district. At the same time the sheriff observed that it would be discreet for each and every man who had been deported to remain away from the district, as he did not believe he had a sufficient force of deputies to protect them. Nothwithstanding this warning, Mr. McCarvel returned to Victor at 1.20 p. m. on July 28. No sooner had he left the train than he was taken in charge by Maj. H. A. Naylor, acting city marshal. Mr. McCarvel was allowed to attend to some business, a guard accompanying him, but he was given to understand that his presence would not be tolerated in the district. He was escorted to the outgoing Short Line train at 3.45 p. m., placed on board, and warned that in the future police protection would not be afforded him if he dared to return to the camp.

On July 29 Charles H. Moyer, president of the Western Federation of Miners, being interviewed, said:

> It is time to call out the troops again to protect our men in the Cripple Creek district. There is no legal authority there now. The sheriff's office can not control things. A mob controls, and our men are being subjected to whitecappings, whippings, and every sort of brutal treatment. I was not sorry that martial law was declared off, but some troops are needed there to protect us. If the governor had wanted to be fair, he would have ended martial law, withdrawn the troops, and left, say, 50 soldiers there to deal impartially with all violators of the law.

GOVERNOR PEABODY'S STATEMENT TO THE PUBLIC.

On July 30 Governor Peabody issued the following statement defining his course during the labor troubles of the previous eighteen months in the metalliferous mines of the State:

To the people of Colorado:

There is a prevalent idea in this country that the proprieties which pertain to the higher executive offices should deter their incumbents from engaging in any controversial discussion of their policy or action, limiting the executive functions in that regard to the messages that from time to time are made to the legislature.

I would not at this time depart from the observance of the rule of silence I have hitherto followed did I not believe that recent events render such departure a duty to my State. The unhappy conditions which have existed, and to a degree still exist, in 3 out of 59 counties of the State have been made the pretext for the most wanton and false representations of the conditions in the State at large.

Certain newspapers of the State of wide circulation and influence, which have never been distinguished either for support of conservative policies or for condemning the excesses of the one organization which has caused our trouble, have given these misrepresentations the widest publicity.

Many of the people of our sister States, with faint notions of the truth, have been led to believe that Colorado is in a state of anarchy, ruled by abandoned public officials who have rendered life and liberty unsafe.

This picture has been drawn by certain citizens of our own State, who, for selfish purposes, which are apparent, seek to tarnish the fair name of a great and prosperous Commonwealth.

If the public press is to be credited, the delegation from this State to the recent St. Louis convention pictured before the representatives of every State in the Union the woe and desolation and degradation, the lawlessness, and hopelessness of their own State.

Colorado deserves a better fate at the hands of her sons.

And again it has become the settled policy of those who hope to gain political advantage through the misfortunes of the people of a few localities to inaugurate, by daily pronouncements, a campaign of hatred, and to lead that large law-abiding and liberty-loving body of our citizens who belong to labor unions to believe that I have been and still am engaged in waging a war against all union labor. Nothing could be further from my policy or my desire.

The considerations above stated, and many others, lead me to believe that it is fitting and proper for me to present to the people of this State and to the public generally a review, as brief as is consistent with a proper understanding, of the causes that led up to the labor troubles with which I have had to deal and of the reasons for the policy which has been pursued.

EFFORTS TO SETTLE THE STRIKE.

Very soon after I assumed office, and on the 14th of February, a strike was declared at the ore reduction mills at Colorado City, in El Paso County, by the Colorado City Mill and Smelters' Union—a branch of the Western Federation of Miners. On the night of February 14, a large number of strikers proceeded to one of the mills, and, by show of force and threats, drove the workmen who had refused to strike from their labor. The strikers established pickets. Employees of the mills were assaulted and conditions gradually grew worse, until, on March 3 following, the sheriff of the county petitioned me to send the militia, stating that he was unable to preserve the peace and protect life and property. A petition to the same effect was also presented at or about the same time, signed by a very large number of the most conservative, well-known, and highly respected residents of El Paso County, urging that I send the militia without delay. This representation of conditions and knowledge gained from other sources impelled me to order out a detachment of the National Guard for service at and about the mills. The strike continued, but the militia preserved order. The mills continued to operate. The statements made by the opposing sides were greatly at variance, and, in order to ascertain the truth and allay public excitement, on the 19th day of March, 1903, I requested five gentlemen of acknowledged standing in the State—Prof. W. F. Slocum, Judge Charles D. Hayt, Rev. Thomas Uzzell, Father J. P. Corrigan, and Hon. Frank W. Frewen, a member of the legislature of the State, and also at that time a member of the Western Federation of Miners—to act as a commission to investigate and report to me the causes of the trouble and to seek, if possible, a friendly settlement. This body was known as the governor's commission. Doctor Slocum was unable to serve, but the remaining members acted, and both sides voluntarily appeared before them and produced a mass of evidence.

As a result of this commission's labors—on March 31, 1903—the officials of the mill appeared before the commission and made certain promises as to what their course would be if the strike were declared off. The president of the Western Federation of Miners, who was present, expressed doubt as to the good faith of the promises made, but stated that he would call off the strike, and would ask the commission to reassemble on May 18 following, for the purpose of determining whether or not the representatives of the milling company had kept the promises made.

The strike was declared off. On May 18 the Federation insisted that the promises made, as I have stated, had not been kept.

The commission reassembled. The statements of the Federation and of the mill management were presented. The commission unanimously reported to me that the promises had all been fulfilled, closing as follows:

"Your advisory board is of the opinion that Manager MacNeill has used all possible efforts to reemploy the striking mill men in accordance with his assurances made before said board."

Notwithstanding this report, a strike was again declared against the mills. It was ineffectual, and thereupon a sympathetic strike was declared by the Federation in Cripple Creek to cut off the ore supply of the mills. The president of the Federation stated before said commission that no grievance existed against the mine owners.

It has been contended, and apparently generally believed, that this strike was called because of the failure of the legislature to enact an eight-hour law.

As a matter of fact, the strike at Colorado City was called on the 14th of February, some five or six weeks before the adjournment of the legislature, which then had under consideration an eight-hour law, and at a time when every indication pointed to the enactment thereof.

The Standard mill, at which the strike occurred, had been an eight-hour plant for five years, working the eight-hour day in every department save one, and that one employing but a small proportion of its men. In his testimony before the governor's commission, above referred to, Mr. Moyer, president of the Federation, in response to the direct question as to whether or not he had any complaint to make as to the hours of labor, replied, "None whatever."

So far as the Cripple Creek district is concerned, the mine workers have worked a maximum of eight hours per day for over ten years, and out of this time one-half hour is allowed for luncheon, receiving the union scale of wages, which is a minimum of $3 and an average of nearly $4 per day.

In response to the call for a strike in the Cripple Creek district, some 4,000 men discontinued work, and every mine except one was effectually closed. The sheriff and nearly every peace officer of the county were members of the Western Federation of Miners, and owed their positions to the votes and influence of that organization. Almost immediately after the calling of the strike the mine owners decided to open their mines as rapidly as possible. One property was opened under heavy private guard. Early in September, however, an effort was made to bring about the general opening of the mines of the district. As soon as this was done picketing and intimidation and murderous assaults were resorted to.

CHARACTER OF THE ORGANIZATION.

I well knew the history and character of this organization. It is, in fact, a matter of common knowledge in Colorado that for ten years this Federation has stopped at nothing to accomplish its purpose—threats, intimidation, assaults, dynamite outrages, murders, have everywhere characterized its policy. It has been the occasion of more trouble and expense to the State than all other causes combined, including Indian raids. It has never had a strike that has not been bloody. The catalogue of its crimes affrights humanity. In times of strike its action has amounted to open insurrection against the

State. The leaders of this organization have instilled into the minds of its membership the necessity of arming themselves for the purpose of resisting constituted authorities. In his speech delivered in Salt Lake City in 1897, Mr. Boyce, then president of the Western Federation of Miners, and the man who organized the Colorado branch of this organization, said:

"I deem it important to direct your attention to article 2 of the constitutional amendments of the United States—'the right of the people to keep and bear arms shall not be infringed.' This you should comply with immediately. Every union should have a rifle club. I strongly advise you to provide every member with the latest improved rifle, which can be obtained from the factory at a nominal price. I entreat you to take action on this important question, so that in two years we can hear the inspiring music of the martial tread of 25,000 armed men in the ranks of labor."

The utterance is in line with advice repeated and reiterated by other leaders of the organization.

Nor have these words been sterile of fruit. In every strike inaugurated by this union in the State of Colorado has been followed the precedent set in Idaho in 1899, when 1,000 men armed themselves with rifles, pillaged boldly from the State armory, and openly proceeded to take life and destroy property by dynamiting the Bunker Hill and Sullivan mill.

In 1894 Federation members, armed to the teeth, intrenched and picketed, and with precise military organization, defiantly held prisoners for exchange on Bull Hill, in Cripple Creek.

In 1896 Federation members killed in open conflict, on the streets of Leadville, citizens of Lake County, and did these murders with rifles bought and paid for by the local executive committee of the Federation.

In San Miguel County, Vincent St. John, president of the local union of the Western Federation, bought and paid for 250 rifles, with which he armed his Federation followers, and these guns were used in broad daylight on nonunion miners at the Smuggler-Union mine, in one of the most inhuman and barbarous crimes ever committed in the name of any cause.

In Lake City, in 1898, again these lawless men stole rifles from the State armory, and were prepared to use them to uphold their demands; and, finally, out of the union hall at Victor there surrendered, on June 6 of this year, 62 members of the Western Federation of Miners, bearing among them 35 rifles, 32 revolvers, and 9 shotguns, which were still hot with shots fired at citizens and at the uniformed militia of the State.

This record convinced me that the overt acts which had been committed in Cripple Creek were but forerunners of others. and that with the executive officers of Teller County in direct collusion with this organization, it would be but a few days until a reign of terror, involving loss of life and property, would be established in that district. The Federation is led and absolutely controlled by unscrupulous men. Only two of the executive committee are residents of the State, and none of the committee has anything in common with the State's interests.

The character and history of this federation must be held constantly in view in determining whether or not the policy I have pursued is wise and proper. There is no other organization with such a character and such a history in the United States. I knew and realized this when the strike was inaugurated in Cripple Creek. I was requested by representatives of the mine operators, representative citizens of the district, and the mayor of Victor to send the troops to the Cripple Creek district.

Before responding to this demand, however, I sent a commission, composed of Hon. N. C. Miller, attorney-general of the State, Gen. John Chase, who at that time commanded the military of the State, and Hon. T. E. McClellan, ex-United States prosecuting attorney, that they might investigate the conditions in person and report to me. In response to the recommendation of this commission, troops were ordered to the Cripple Creek district on September 4, the commission having convinced me that only in this manner could the peace and quiet of Teller County be maintained and men protected in their right to follow their usual vocation.

DUTY OF THE EXECUTIVE.

There is no higher duty devolving upon the executive of any State than affording protection to men who desire to labor. In affording that protection it later became necessary, in my judgment, to confine certain men in military guardhouses as one of the safest and most expeditious methods of restoring order. It was loudly proclaimed that this was without authority of law. The question was submitted to the supreme court and the action of the military in that respect fully sustained. The law-abiding citizens of the State need not be alarmed by the frenzied cry that they are all in danger of incarceration if the governor has such power. It is a useful and a necessary power and the class that should dread its exercise is not numerous. In this regard I pursued the course which seemed wisest and best, and I can not seek higher authority for its legality than the supreme court.

There may have been occasional indiscretions of officers or men, as is inevitable with a large body not accustomed to such service, but whenever such instances have been brought to my attention they have been promptly and properly dealt with, and the National Guard of the State has been maintained on a high standard.

The troops were in the Cripple Creek district from September 4, 1903, to the 11th day of April, 1904, in diminishing numbers, as conditions permitted. The general policy pursued in Cripple Creek was followed in other parts of the State, and particularly in Telluride, where the excesses and crimes of the federation had been still more inhuman than in any other district and the reign of terror still more complete. Order now prevails there, and it is believed that the people of that district may at last enjoy peace and quiet.

The trouble in the Cripple Creek district had apparently subsided. The last of the troops were withdrawn, as I have stated, on the 11th day of April, 1904. The mines were all being operated with a full quota of men who were not affiliated with the Western Federation of Miners, save only the Portland mine, where many Federation members were employed. The lawlessness which has everywhere characterized the methods of that Federation seemed for a time to have been abandoned by it. The district apparently was destined to enjoy a period of peace. But it proved to be only the calm before the storm.

THE CRIME OF JUNE 6.

At about 3 o'clock on the morning of June 6 a mine of dynamite was exploded by means of an infernal machine placed underneath the station platform at Independence, and 13 men were instantly blown to fragments and many others mutilated and maimed for life. All these men were nonunion miners, about to board a train for their homes in the district.

The infamous outrage, following, as it did, years of intimidation, threats, countless assaults and murders, was the last of the series which had caused a veritable reign of terror in that mining district. The citizens of the county, inexpressibly shocked at this wholesale murder of innocent men, determined that the community must be rid of the authors and instigators of such crimes.

A public meeting was held in Victor the afternoon following the Independence outrage, and while the meeting was being addressed the crowd was fired upon from the Federation store and union hall. Two nonunion miners were shot and killed, and six others wounded. The local troops were called out the same evening, at the request of the mayor of Victor, to prevent the excesses that seemed inevitable.

When the excitement had subsided somewhat and the county was still under quasi military rule, it was found that there were several hundred members of the Western Federation in the district who would not work, and had resolved that others should not if, by such methods as those employed at the Independence station, they could be driven or frightened away.

It became apparent that, even with every member of the National Guard in that county, it would be impossible to prevent the use of dynamite in the stealthy manner always employed by the Federation. The mountains and gulches of that rugged country afford a multitude of safe places for reconnoiter and hiding. The troops, which had already been there a greater part of the year, could not be maintained indefinitely without incurring immense additional expense. The only safe and available remedy seemed to be to disperse the radical members. If all of them had not personally participated in the outrages, they had at least stood approvingly by and given their support, encouragement, and protection.

If these men were scattered, the avenues which ten years of organization and association had opened for crime in that district would be closed. It would require much time in any other community before they could gather about them a new band of conspirators with the inclination and daring to inaugurate in a new field another condition of terrorism. These men, as I have said, had determined never to yield the strike. The mine owners had resolved not to employ again the members of that organization. Therefore the only employment which remained for them was that of stirring up strife, committing depredations, and intimidating by inhuman crimes the working miners.

I resolved that they should be dispersed and I dispersed them.[a] This was done, however, only after careful investigation of each individual case.

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[a] About 200 were sent away from Teller County and 100 from San Miguel County, Colo.

I hope and believe that these men so sent from the district will, when released from the evil influences of a criminal leadership, return to lawful living and resolve that a recognition of the rights which the laws confer is the proper guide for conduct.

NO WAR ON UNIONS.

From what I have said and from what is within the knowledge of every citizen of the State it will be seen that disturbances have been limited to the mining and allied industries. It has been charged repeatedly that the militia has been placed at the disposal of the mine owners to oppress labor. The injustice of the charge is apparent, but it will doubtless continue to be made.

The militia was employed to restore order and to protect labor and property in the rights to which each is entitled under the law.

The militia opposed the wishes and purposes of the Federation because that organization was attempting to prevent by violence the operation of the mines and mills. It is again charged that I have been engaged in a war upon unions generally, and strenuous and repeated efforts are being made to play upon the passions of union men. I do not believe the efforts will be successful. I do not believe the conservative union men of the State will feel called upon to adopt the policy of the leaders of the Federation, nor can I believe they will sanction it. I believe they will be able to discriminate between their own unions and principles and the socialistic, anarchistic objects and methods of the Federation. In the ten years of its existence the Western Federation of Miners has involved the State in a cash outlay for the militia of more than $2,000,000.

I propose in the future, as in the past, to "see to it that the laws are faithfully executed," and in the accomplishment of that purpose I shall not inquire whether the individual entitled to protection is or is not a member of any labor organization. No one can appreciate more than I not only the right and wisdom of laboring men to join together for the purpose of bettering their wages and working conditions, and no one can believe more heartily than I in a fair wage and reasonable hours. It will be a matter of great regret to me if the laboring men of this State fail to see that I am fighting their battle, for I sincerely believe that organized labor has no more dangerous enemy than the Western Federation of Miners, which is seeking, under the cloak of organized labor, to protect itself alike in the promulgation of its dishonest socialistic theories, which recognize no right to private property, and from the result of its anarchistic tenets and tendencies. Legitimate labor organizations of necessity suffer from the criminal aggressions of the Federation. Its claim to the character of a labor organization is its only title to respectability. I believe that no greater good can be conferred upon the cause of union labor, striving to better the condition of its members, than that the members of such legitimate labor unions condemn the methods of the Federation.

Those who are charged with the duty of seeing that the lives and property of citizens are respected have difficult and perplexing problems to solve in times of insurrection and great public stress.

I have had to deal with an organization which has no counterpart in this country. Its official proclamations, full of defiance and challenge, issued from time to time, have amounted, as has been said, to "a declaration of war against the State."

I have met the challenge with a policy none too vigorous for the outlawry I was called to oppose. But through it all I have had but one object, and that to show the people of Colorado that the laws will be upheld, that a criminal organization can not dictate the policy of this administration, and that everywhere within the borders of Colorado property shall be secure and labor free.

JAMES H. PEABODY, *Governor.*

REPLY OF WESTERN FEDERATION OF MINERS TO STATEMENT OF GOVERNOR PEABODY.

In reply to Governor Peabody's published statement, Charles H. Moyer, president, and William D. Haywood, secretary-treasurer, of the Western Federation of Miners, issued, on August 4, a statement, in part as follows:

The governor starts out with a pretended anguished wail because "certain newspapers of the State" have given publicity to some of the facts that make the very name of Peabody a stench in the nostrils of every man and woman whose hearts beat with patriotic fervor for that document of human liberty that was baptized in the best and bravest blood of American pioneers who paved the highway to freedom in the infant days of the Republic. The governor in his article almost weeps when he thinks of the citizens who "seek to tarnish the fair name of a great and prosperous Commonwealth." Will the governor dare to mention personally any citizen of this State who has denounced his lawless conduct with an exaggeration of his infamy? The press of this State has been merciful to the miserable vassal who has trampled law and the Constitution under his feet to subserve the interests of corporations. The press has not used the bare knuckles of denunciation, but merely the padded velvet gloves of reluctant criticism. The governor of the State has established precedents in the State of Colorado that have aroused the jealousy of the despot who trembles on the throne of Russia, and his acts of barbarism, wafted to the exiles of Siberia, have caused the convicts of a czar's hate to lift their eyes toward the stars and thank the great Jehovah that they still live under the bristling bayonets of a cursed monarchy. Wherever the governor planted the standard of armed might in the State, there has he gagged the press with the muzzle of martial law. He did not wish that the infamies of a military brutalism should be heralded to the people of America. He did not wish that publicity should be given to the monstrous outrages committed under the name of "law and order." * * *

The governor again in another part of his desultory statement grieves over the "campaign of hatred" that is being made against him "to lead that large law-abiding and liberty-loving body of our citizens who belong to labor unions to believe that I have been, and still am, engaged in waging war against all union labor. Nothing could be farther from my policy or my desire."

Before the governor dragged these verbal symptoms of regret from his prostituted brain it is a wonder that he did not issue a proclamation to organized labor, commencing with the quotation: "You that have tears to shed prepare to shed them now." It is a wonder that the governor, with his "Parryized" affection for unionism, lived through the trying ordeal while pouring out this manifestation of his boundless love. No one can doubt that the governor who holds honorary membership card No. 1 in the Citizens' Alliance of Los Angeles, Cal., is a friend to organized labor. A man who receives congratulatory telegrams from Parry and his union-wrecking aggregation while in convention assembled for shooting unionism out of men who toil is "like Cæsar's wife, above suspicion," and the man who labors who questions the professed friendship of the governor must certainly be saturated with all the incredulity of a "Doubting Thomas." * * *

If you are a "friend to organized labor," and the Western Federation of Miners is the only labor union that has incurred the displeasure of your imperial majesty, why did you farm out your military Hessians to the coal barons of southern Colorado to shatter into fragments the local unions of District 15 of the United Mine Workers of America? If the Western Federation of Miners is the only lawless organization, then why did the hired, uniformed mob, known as the Colorado National Guard, with your sanction and approval, deport and bull pen coal miners, whose national organization boasts of a conservative Mitchell and an organization which has not as yet proclaimed its indorsement of the principles of socialism? Why did the dollar-a-day "boys in blue" drive 80 coal miners a distance of 20 miles without water, like a herd of cattle, to finally enjoy the supreme pleasure of quenching their maddening thirst at a town trough? Ah, yes, Governor Peabody, you loved organized labor so well that if you were governor of the State of Illinois, the people of the nation would ere this have heard the crack of military rifles behind the stockades of the packing companies of Chicago.

If you are a "friend of organized labor," then mention one single act in the history of your whole life as proof of the assertion? If you are a "friend of organized labor," then send epistles to the national bodies of unionism throughout America and ascertain if there is a single national body in any State of the Union that will place its official seal upon an indorsement of your "friendship for organized labor" in Colorado. The very fact that organized labor in every part of the United States, Canada, and old Mexico has thundered its denunciation against the executive of Colorado, and the very fact that thousands and tens of thousands of dollars have flowed into the treasury of the Western Federation of Miners, disproves the charges of lawlessness manufactured by the "friend of organized labor."

The Western Federation of Miners has at no time, in all its history, attempted to defy the courts. Its members when charged with crime have been willing to enter the sanctuary of a judicial tribunal and be tried by a jury of their peers. In every trial that has been held in the State of Colorado during the present strike, where the membership has been charged with almost every perfidy in the catalogue of crime, a jury has brought in a verdict of acquittal. In the cases that were tried before the courts of Teller County, the testimony that was bought and paid for by a mine owners' association fastened the guilt of train wrecking on salaried detectives, and when the cases of murder, conspiracy to murder, and inciting to riot come before the courts in September the finger of guilt will point to the mine operators and the members of the Citizen's Alliance, who are the "holy of holies" with James Hamilton Peabody.

In The World To-Day for August, 1904, a magazine published in Chicago, there appeared an article by Governor James H. Peabody, in which he asserted "most emphatically that martial law has not been declared in any portion of Colorado." The article in full follows:

THE SITUATION IN COLORADO.

The conditions in Colorado at the present time are so materially improved that there is little likelihood that any of the National Guard will remain in active service many days longer. The statement published throughout the country by the Western Federation of Miners that men have been hung by the neck, hung by the thumbs, and tortured with thumbscrews is so absolutely false that it is not worthy of a public denial. Nothing of the kind has been indulged in or even contemplated. The elements of lawlessness which largely composed the Western Federation of Miners became so oppressive that it was necessary to check their further advances by stringent measures.

But in this connection I desire to state most emphatically that martial law has not been declared in any portion of Colorado. Military law has been called into service to aid the civil authorities in maintaining loyalty to our constitution and compelling obedience to our law—nothing more. No person has been arraigned for crimes by the militia, no punishments have been inflicted by the militia; but the civil officers have controlled these matters during the entire period of insurrection. The labor strife in Colorado has not been one between labor and capital, but a certain lawless element, a certain labor organization, has been waging war against all other labor, organized and unorganized. The proof of these statements is found in the horrible assassination of 12 innocent nonunion miners upon the Independence depot platform June 6. All we ask for is obedience to the laws of Colorado, and this we shall demand and enforce. There never has been any contemplation of putting the whole State under martial law nor any necessity for it. All reports to the contrary are utterly absurd; because fortunate is Colorado that the Western Federation of Miners infests but a small portion of our magnificent Commonwealth.

Henry M. Robertson, who had been deposed as sheriff on June 6, 1904, sent a communication to the board of county commissioners on July 1, demanding that they should recognize him as sheriff. On the same day he made a written demand of Edward Bell that the latter surrender to him the office, alleging that he had been forced to sign a resignation, that the board had been forced to accept it, and that he was still legally entitled to the office.

Receiving no answer from either the board or Sheriff Bell, he returned to Cripple Creek at 9 p. m., on August 4. He had been met at Cameron by Deputy Sheriff Benton and taken into custody. Under Sheriff L. F. Parsons, who was secretary of the Citizens' Alliance, met the two upon their arrival in Cripple Creek. Former Sheriff Robertson was released immediately, with instructions to report at the office of Sheriff Bell the next morning, and to report there twice daily. He reported twice on August 5, but did not report on the 6th. A deputy sheriff, who was sent to his residence, inquired why he had neglected to keep his parole. Robertson answered that, on the advice of his attorneys, he did not acknowledge the authority of the acting sheriff or deputies; and under the terms of his parole he must report to himself alone as sheriff. Robertson was taken to the sheriff's office and there made a personal demand on Under Sheriff Parsons for the possession of the office. Parsons thereupon ordered him from the office, with a warning that unless he should report there at 6 o'clock that evening he would be placed in confinement. Robertson's efforts to secure possession of the office he had held formerly having failed, he left the county on the afternoon of August 6.

On August 30 he filed a suit in the State district court, in which he asked to be restored as sheriff of Teller County and that the defendant, the present incumbent, Edward Bell, be fined not exceeding $5,000. In the complaint he averred that on June 6 a body of men demanded his resignation, and told him that unless he should resign he would be killed, and a rope was procured and a noose was tied in the rope, and he was informed again that unless he should resign the armed mob then surrounding the armory building in Victor would be admitted and he would be taken out and hanged. Under fear of death he resigned and his resignation was not his free and voluntary act. He further alleged that the board of county commissioners, who were then in Victor, were sent for, and a demand was made of them that the defendant be appointed sheriff, and they did pretend to appoint the defendant, and that at the time of such appointment they knew his resignation had been obtained by force. The plaintiff further alleged that on July 1 he made a written demand on the county commissioners that he be recognized as sheriff, and notified them in writing not to pay the defendant any money and not to allow any bills of the defendant, on which demand the board had refused to take any action. On the same day he demanded the office of the defendant. The plaintiff averred that, prior to bringing this suit, he had demanded of Henry Trowbridge, the district attorney, that he bring this action, but the latter had refused to do so.

WHITECAP OUTRAGES IN CRIPPLE CREEK DISTRICT.

After the withdrawal of the militia, a series of whitecapping outrages occurred in the Cripple Creek district. The Dillon mine, where about 30 union men had been allowed to continue at work, was visited by a large mob on August 6, and the union men were informed that they must take out cards from the Mine Owners' Association or leave the camp. J. H. Featherstone, who employed these men, being threatened with violence, sought protection from the sheriff, and a deputy was assigned to guard his home and to protect him when he left it.

On July 29 Judge L. W. Cunningham admitted to bail 46 persons charged with murder and rioting on the streets of Victor on June 6. Several of these persons were released on bond, and in nearly every case they were threatened with violence unless they should leave the district. On August 8 a committee waited upon the bondsmen of these men to endeavor to induce them to withdraw from the bonds. W. J. Donnelly, a leading hardware merchant, and formerly mayor of Victor, incurred the displeasure of the Citizens' Alliance by going on the bond of Michael J. O'Connell, who was deposed as marshal of Victor on June 6, and who was killed by suicide or accident in falling from the window on the fourth floor of a hotel in Denver on August 6. The committee which waited upon Donnelly at his store on August 6 (a few hours before O'Connell's death) accused him of having sold guns to union miners previous to the riots in June. The committee informed him that he must leave the district that evening. Donnelly telephoned to the sheriff's office for protection, and a deputy was sent to act as a bodyguard. On August 9 Donnelly was again threatened and warned to leave.

In the district court, on November 18, District Attorney Henry Trowbridge nolle prossed the cases against all but 17 of the men who had been arrested for complicity in the riot on the streets of Victor on June 6.

In the elections on November 8, Edward Bell was elected sheriff of Teller County, and C. C. Hamlin, secretary of the Mine Owners' Association, was elected district attorney.

T. H. Parfet, manager of the Federation store at Cripple Creek, and John Harper, manager of the Federation store at Victor, who had been deported some time previously, returned to the district on July 16. In the riot of June 6 the goods in these stores had been partially looted or destroyed, while the goods in the Federation stores at Goldfield and Anaconda had been entirely looted or destroyed. At the request of Charles H. Moyer, president, and William D. Haywood, secretary-treasurer of the Western Federation, Sheriff Edward Bell gave Parfet and Harper permission to return to make inventories of the goods remaining in the stores at Cripple Creek and Victor and to settle up the business. Sheriff Bell also assured them of his protection. On August 2 both of them went to Denver. On August 9 they returned to Victor. On that evening Harper was taken from his home by seven or eight masked men, who, after switching him, drove him from the district. They also took his son, 21 years old, but the son, after accompanying the party some distance, was released. Several deputies pursued the deporting party, but did not find it. Parfet was given a guard from the sheriff's office, and on the night of August 10 was placed in jail for safe-keeping.

On July 31 Rev. T. S. Leland, pastor of the Methodist church at Victor, preached a sermon in which he expressed sympathy for the deported miners, and commented unfavorably on the methods of the Citizens' Alliance, the Mine Owners' Association, and the State militia. On the afternoon of August 10 Mr. Leland was approached by three men who threatened him with violence unless he should leave town that evening. He did not leave, but announced that he intended to remain, and that he was prepared to defend himself, though he hoped that force would not be used.

About 11 p. m. on August 10, 5 masked men went to the home of George Seitz, a widower with 2 girl children, living in Cripple Creek. He had formerly been president of the local miners' union, No. 40. For some time he had been working leases, but he had failed to take out a card from the Mine Owners' Association. He was also a bondsman for one of the men arrested on account of the riot at Victor on June 6. One of the masked men forced an entrance to the house of Seitz, who ordered him out. He refused to go and fired a shot, Seitz returning the fire. Though several shots were fired no one was injured. Officers were quickly on the spot, but when they arrived the masked men had disappeared. Seitz was taken to the Cripple Creek jail for protection. His assailants were not apprehended.

DEPORTATIONS BY CITIZENS.

About August 10 it was reported that the Western Federation of Miners had sold the goods remaining in the Federation stores at Cripple Creek and Victor to the Interstate Mercantile Company, a corporation chartered under the laws of Montana. The Interstate Mercantile Company reopened the store at Cripple Creek on August 16, and intended to reopen the store at Victor later. People generally believed that the store was reopened really in the interest of the Federation, and for the purpose mainly of again giving that organization a foothold in the district. The local newspapers refused to advertise the store, but it did a good business until August 20. On the afternoon of that day there was another riot in the streets of Cripple Creek, and the store was again partially wrecked or looted, and its managers and clerks, as well as other people, were driven away from the district.

On August 19 and 20 it was rumored that about 150 deported men were to return to the Cripple Creek district on the afternoon of the latter day. On the arrival of the afternoon train from Colorado Springs several hundred men, many of them armed, gathered at the Short Line station. The leaders announced that if any deported men should return they would be driven away again immediately, but no such men returned.

About 5 p. m. a mob of 500 men, many of whom were armed, raided the store of the Interstate Mercantile Company, smashed the front doors and windows, and looted or destroyed much of the goods Those in charge of the store were driven away, not being allowed to close the safe or to remove the money from the cash register. The sheriff's office was on the same street and nearly opposite the store, but no deputies were sent to afford protection from the mob. Under Sheriff Parsons was in charge of the office, Sheriff Bell being in Denver. Following is a list of those who were deported the same afternoon:

Eugene Engley, attorney-general of Colorado under the Waite administration, 1892-1894.

J. C. Cole, deputy district attorney for Teller County from February, 1901, to June, 1904, when he was required to resign the office.

Michael J. O'Neill, deputy county clerk and recorder.

Frank J. Hangs, attorney for the Western Federation of Miners in the Cripple Creek district.

H. M. Heimerdinger, attorney at law at Butte, Mont., and clerk of the district court of Silver Bow County, Mont.; also manager of the store of the Interstate Mercantile Company at Cripple Creek.

Frank Akins, local manager of the store.

Charles H. Wasson, clerk in the store.

Stephen Leahy, clerk in the store.

J. W. Higgins, a member of the carpenters' union, and formerly vice-president of the trades assembly.

Albert L. Pierce, August Girodot, James Redd, and Patrick Maloney.

The reason for the deportation of Eugene Engley and J. C. Cole was supposed to be that they had originated a movement to establish a new law and order society, which should have a different policy from that of the Citizens' Alliance. Frank J. Hangs was deported for the reason that he was the attorney of the Federation, or perhaps for the reason that he was a bondsman for some of those charged with inciting a riot in the streets of Victor on June 6. J. W. Higgins also was a bondsman for one of those who had been arrested on the same charge.

J. S. Hall, assistant manager of the store, who with H. M. Heimerdinger had come from Butte, Mont., was not in the store at the time it was raided. A. J. Fielden and William Bushaw were driving delivery wagons when the raid was made. Hall, Fielden, and Bushaw, hearing of the mob, left town at once. George Seitz, whose home had been forcibly entered and who had been shot at by the intruders on August 10, learned that the mob was seeking him on August 20, and immediately left town.

The men who were deported were driven from town in two directions, the larger party toward Florisant, the smaller party toward

Canyon City. All of them were threatened with violence if they should ever return to the district. Several of them were robbed of the money on their persons. Two miles out of Cripple Creek on the Canyon City road, Parfet was flogged and beaten. He and the others deported with him were then directed to continue on the road, and as they proceeded shots were fired over their heads. Parfet was so injured that he could not walk far, and at Marygold he procured a buggy in which he rode to Canyon City. Higgins, who was in the other party, carried a revolver, and being prodded with sticks and guns, made a movement to draw the weapon, whereupon it was taken from him and he was beaten with revolvers and guns, producing wounds on his head which bled freely. Akins, who had been deported before, had returned after securing the following order from Adjutant-General Bell:

VICTOR, COLO., *July 8, 1904.*

It is my order that the bearer, Mr. Frank Akins, should be allowed to leave Cripple Creek district and return as he may elect so to do. Also that he shall be immune from arrest or detention by the military authorities or deputies except for a violation of the law or an order issued from military headquarters.

SHERMAN M. BELL,
Brigadier-General, Adjutant-General State of Colorado,
Commanding Teller County Military District.

Governor Peabody, in an interview on August 21, said:

I have not been officially notified of the occurrences on yesterday. No call for aid from either faction has reached me, nor have I received any intimation that the State's assistance is needed in the settlement of the local differences which exist there now. I therefore infer that the local authorities feel confident of their ability to control the situation.

On August 21 Sheriff Edward Bell was informed that four men, heavily armed, occupied a house on the side of Bull Hill just outside of Victor, and that they intended to shoot anyone who should attempt to whitecap or deport them. With a deputy sheriff, Bell went to the house and was admitted. Three of the occupants, claiming to be British subjects, declared that if they were molested they would present their cases to the British Government. They asked Sheriff Bell for protection. He offered to take them to the county jail, where they would be protected, but informed them that he did not have a sufficient force of deputies to protect them in the house they were occupying if they should be attacked by a mob. He advised them that if they would not go to the jail it would be better for them to leave the district. After some argument they decided to leave, and did leave the district that evening.

On the evening of August 24 the Grand Opera House at Victor was filled with an audience that came to an open meeting of the Citizens' Alliance. Frank M. Reardon, postmaster, presided. Speeches were made by C. C. Hamlin and others. Mr. Hamlin said, among other things, that the mine owners intended to keep full faith with the miners in their employ who had come into the district after the strike began. He further said that he would oppose any reduction in the wages of miners, and if a reduction should be made he would resign his position as secretary of the Mine Owners' Association.

On August 26 former Attorney-General Eugene Engley returned to Cripple Creek and announced his intention of remaining there. For a day he carried a rifle about with him. Sheriff Edward Bell and C. C. Hamlin, secretary of the Mine Owners' Association, held a conference, after which Sheriff Bell assured Mr. Engley that he would not be molested and that it was unnecessary for him to go armed. Mr. Engley then quit carrying the rifle.

On August 25 capiases were placed in the hands of Sheriff Bell for citizens of Teller County against whom Deputy District Attorney C. C. Butler had filed informations, alleging that they had been leaders of the mob on August 20, and charging them with conspiracy and assault to kill, conspiracy and false imprisonment, malicious mischief, and larceny. The names of these citizens follow:

Nelson Franklin, former mayor of Victor.

A. E. Carlton, president, and E. C. Newcomb, cashier, of the First National Bank at Cripple Creek.

William Carruthers, solicitor for the Denver and Southwestern Railroad.

Harry Waters, Frank Vanneck, and C. K. Young, deputy sheriffs; Charles Gunn, policeman.

A. C. Cole, former secretary of the Citizens' Alliance at Victor.

Henry Dahl, manager of the Ophir mine; Daniel McCarthy, superintendent of the Granite mine; A. T. Holman, superintendent of the Golden Cycle mine; Louis Henry, superintendent of the Rose Maud mine; William Bainbridge, superintendent of the El Paso mine; R. P. Russell and John Sharp, lessees.

Harvey Gregory, H. H. Babcock, Ira Watson, Woodward Walch, and C. R. Orwig, miners.

W. E. Dingman, merchant, of Victor.

Thomas Scanlon, Albert Stonehouse, John Dalzell, ——— Bloom, ——— Johnson, and ——— Pierce. After arrest the men were admitted to bail in the sum of $1,000 each.

On August 27 Governor Peabody sent the following communication to Sheriff Bell:

State of Colorado, Executive Chamber,
Denver, August 27, 1904.

Hon. Edward Bell,
Sheriff of Teller County, Cripple Creek, Colo.

Upon Saturday, the 21st instant, there was assembled in Teller County a disorderly mob of men. This mob destroyed private property and maltreated and drove from the county a number of citizens and other persons.

Teller County has been a source of much anxiety to my administration. Order has been restored there at great expense to the State, and the militia, after a protracted service rendered with the single purpose of making life and property secure, had only recently been withdrawn.

Your county was freed, as I hoped, from criminal disturbances of the peace. The civil offices of your county are now filled, as I am informed, by incumbents who desire to extend to all citizens the full protection of the law.

I recalled the troops because I believed and was informed that your community was once more safe in the hands of such officers. If I am right in so believing, there should be no occasion for lawless outbursts such as that of Saturday night.

I am recently informed that a similar mob of men have in contemplation another and further outrage. I am convinced that you, as sheriff, having the full sympathy and support of the civil authorities, can and should maintain peace and lawful order. I therefore desire to say that should you not be able with the means at your disposal to successfully cope with the situation and maintain law and order in Teller County I am ready again to place at your disposal the militia of this State.

Our paramount duty at this and all times is to uphold the law and its safeguards without distinction of interests or individuals.

I will thank you for an early reply, and am, respectfully, yours,

James H. Peabody, *Governor.*

On August 30 Sheriff Bell made the following answer:

To His Excellency the Governor of Colorado, James H. Peabody, Denver, Colo.

Honorable Sir: Your kind communication of recent date at hand, and contents carefully noted. I have felt at all times perfectly competent to handle the situation here, and I believe that most of the disturbances occurring recently in this district have been occasioned by the united efforts of the Western Federation to create an impression of alarm regarding life and property in this locality and bring disrepute and odium on my administration of the sheriff's office.

I find that many of the reports as to the possible deportation of this or that person living within this district are entirely without foundation, and are without any standing in fact. On tracing down the origin of these reports I find that they emanate directly from an organization known as the Woman's Auxiliary, which is an adjunct of the Western Federation, and as an evidence of how far these people will go, the attempted assassination of myself and deputies Sunday night is in itself of sufficient evidence to substantiate all the facts of the case.

I therefore must decline your kind proffer of troops, believing that the best interests of this county and State will be subserved through the determination of the sheriff's office and the will of the best people of this district. You can rest assured that no stone will be left unturned, no risk will be considered too great, nor any clew too trivial for me to follow with the best energies of my office.

On August 28 A. G. Leduc, a resident of Anaconda and a man against whom no charge had been made, was whitecapped. While taking supper with a neighbor, one Sharpe, who claimed to be a deputy sheriff, came to the door and said that whitecappers were seeking Leduc, and that he should accompany Sharpe to Sheriff Bell, who would protect him. Leduc requested permission to go to his home first, but before they reached it a mob of men who had been in hiding near by rushed upon him. They seized him, robbed him of a pocketbook containing $45, and took him to a place two miles away, talking the while about hanging him or throwing him down a shaft. When the mob stopped his coat was removed, and he was lashed with whips and beaten with the handles of whips until he was badly bruised and the blood flowed freely. Then he was run out on the road to Canyon City. None of the whitecappers was apprehended.

No little excitement had been caused by a sermon preached on July 31 by Rev. T. S. Leland, pastor of the Methodist Church at Victor, in which he expressed his disapproval of the deportation of the striking miners. He considered it necessary to keep armed men in his home because of threats he alleged had been made that he himself would be deported, and two union miners were staying at his house on Sunday night, August 28, when it was visited by Sheriff Bell, Undersheriff Underwood, and three deputies. Arthur Parker and L. R. Jenks, the two men inside the house, had been arrested for alleged complicity in the riot on June 6. They had been released on bonds, but there were rumors that they were to be deported. When the sheriff and his party had approached within 25 feet of the house they were ordered by the men on the inside to halt, and they did so. As alleged by Sheriff Bell, one of the men on the inside said, "I know Bell; there he stands; he is the man with the black hat on," following which two shots were fired from the house, neither of the officers being hit. The officers fired no shots but jumped behind the corners of the house. Sheriff Bell called to the men inside to surrender, and on his second demand they did so. The sheriff and deputies then entered the house and arrested Parker and Jenks, both of whom were taken to the county jail. Within the house were found guns and revolvers.

Parker and Jenks declared that they mistook the sheriff's party for whitecappers, and cocked their guns to shoot. They denied that either of them had made the remark attributed to them about recognizing Sheriff Bell by his hat. They also alleged that as soon as they did recognize him they uncocked their guns, but the hammers of one of the weapons, a double-barreled shotgun, slipped and discharged both barrels almost simultaneously, one charge going into the wall, the other into the door casing. They further declared that, on their surrender being demanded, they had promptly opened the door and surrendered, telling the sheriff that the shooting was an accident.

On returning from church to his home Mr. Leland was also arrested. Two revolvers were found on his person. He also was taken to the jail. Sheriff Bell, in an interview on the same night, said:

> I have had secret men at work, and from them have learned that Mr. Leland has been looking for notoriety and wanted to be deported. I received word this afternoon that he had two men in his home who had been released from jail on bonds. He wanted it known that both Parker and Jenks were at his home, and expected that whitecappers would come and take them away and take him also. Fearing that trouble might occur, I took four deputies and went over to his house.

In this interview Sheriff Bell also said that Mr. Leland asked why he had been arrested and was answered, "I told him because he had men there who were not trying to guard, but to murder. I told him that he could have had protection from the sheriff's office."

In an interview on August 31 Mr. Leland said that Undersheriff Parsons had granted him a permit to carry a weapon for protection. He also said: "These men, Parker and Jenks, are neighbors of mine and offered their services as guards, as did others of my neighbors and friends." He acknowledged that he had received an offer of an engagement to go on the platform during the electoral campaign to tell the conditions in Colorado, and that he had also been guaranteed $500 for a lecture tour.

The affair at the residence of Mr. Leland was what Sheriff Bell referred to in his communication to Governor Peabody on August 30, previously quoted, in which he mentioned "the attempted assassination of myself and deputies Sunday night."

On August 30 informations were filed in the district court by Edward Bell and Thomas Underwood, charging Arthur Parker, L. R. Jenks, and T. S. Leland with assault to murder, conspiracy to murder, and assault with deadly weapons. The bonds of the prisoners were fixed at $2,500 each. Mr. Leland gave bond and was released on September 4.

On the night of August 31 G. R. Hooten, a miner, who had been manager of the Federation store at Anaconda, was deported by a mob which entered his home at Anaconda and robbed him of $65 and a gold watch. As he was dragged from his house he was punched and beaten with guns. He was also whipped with cartridge belts and then ordered to follow the road to Canyon City. None of the whitecappers was apprehended.

Frank J. Hangs, attorney for the Western Federation of Miners, who with others had been deported on August 20, returned to Cripple Creek on September 1, his wife accompanying him. They went to a hotel, and he telephoned at once to the sheriff, asking for protection. Sheriff Bell and Deputy Sheriff Benton joined him at the hotel and remained with him all night. When the news of the return of Mr.

Hangs had become circulated over the district there were protests from some of the leaders of the Citizens' Alliance and the Mine Owners' Association, and another deportation was discussed. Being informed of this, Mr. Hangs again requested protection from the sheriff's office, as the sheriff and deputy had left him in the meanwhile. Sheriff Bell informed him that his force was busy with other duties and advised him to hire a guard himself. Mr. Hangs, deeming it unsafe to remain in the district, left it during the afternoon.

INJUNCTION AGAINST CITIZENS' ALLIANCE AND MINE OWNERS' ASSOCIATION.

A suit in equity for an injunction to restrain the Citizens' Alliance, the Mine Owners' Association, and many individuals from interfering with the carrying on of a general merchandise business by the Interstate Mercantile Company was filed on August 31 in the United States circuit court. The complaint stated that a damage suit in law also would be filed. H. M. Heimerdinger, on behalf of the company, of which he was secretary and treasurer, swore to the complaint against the following defendants, viz: The Citizens' Alliance of Cripple Creek; the Mine Owners' Association of Teller County; Ernest Colburn, Clarence C. Hamlin, Gail S. Hoag, Thomas E. McClelland, Albert E. Carlton, E. C. Newcomb, Nelson Franklin, R. R. Russell, John Sharp, John Dalzell, Henry P. Dahl, William N. Bainbridge, Samuel D. Crump, H. L. Shepherd, Julius Kirby, Z. E. Funk, A. B. Shilling, F. M. Reardon, W. E. Dingman, S. A. Phillips, Clarence Fitch, K. C. Sterling, Daniel McCarthy, A. T. Holman, Frank M. Woods, J. B. Cunningham, Frank Beagle, Charles Huggins, William Carruthers, W. E. Driscoll, Frank May, Henry Waters, H. McGarry, L. E. Smith, Harry Moore, Frank D. French, Edward Coplin, Edward Bell, Phillip De Wild, and others whose names were unknown.

The complaint alleged that the two organizations mentioned had assumed the power of the county government in Teller County for the purpose of determining who should remain in the county and who should be expelled, and had completely dominated governmental affairs without proper regard for individual rights, contrary to the Constitution of the United States and the constitution of Colorado.

It was averred that the Western Federation of Miners was obnoxious to the two associations named, hence the alleged warfare against that organization. To maintain this warfare it was alleged that a conspiracy had been formed; county officials had been compelled to resign and others had been appointed in their stead; a deportation committee had been appointed, and about 2,000 reputable citizens had been summoned before it for examination, and a large number were by its orders deported.

The next clause of the complaint dealt with the policy of Governor Peabody. It read:

> That the executive of the State of Colorado is in sympathy with the said defendants, their purposes, and objects; that he has aided them, to the full extent of his power and authority and without due process of law, in banishing and exiling citizens from the said county who had fallen under their displeasure, and will not, pretends he can not, extend to your orator and others similarly situated any relief, unless called upon by the officers of the said county; and it is alleged upon information and belief that the officials are entirely under the influence and controlled by the power of the said defendants and the defendant associations.

It was alleged that the plaintiffs were not connected with the labor troubles in Colorado, but that the attack upon them was because they had bought the stocks of goods owned by the union stores at Victor and Cripple Creek and continued to carry on the business; that this suit was based upon the Constitution of the United States, and particularly involved the construction of articles 4, 7, 8, and section 1 of article 14 of the Constitution.

The answer of the respondents admitted that a mob committed the trespasses alleged in the bill, but denied that any of the defendants directly or indirectly participated therein; denied generally every allegation contained in the bill which charged any of the defendants with any unlawful act, and also denied generally that the defendant associations had ever done anything in violation of the right or liberty of any person, or had destroyed or attempted to destroy any property; denied specifically the allegations of the bill as to the defendants' threats of future action; and alleged that the complainant was not a corporation in good faith but was in fact a branch of the Western Federation of Miners, a criminal organization which had frequently violated the laws of Colorado and produced a condition of anarchy in Teller County.

On September 6 Federal Judge John Marshall issued a temporary order, to restrain the respondents to the bill from interfering with the business of the Interstate Mercantile Company, or with the return of its manager and employees to Teller County. H. M. Heimerdinger, manager of the store, returned with several employees to Cripple Creek on September 9. Shortly thereafter the store was reopened and no one interfered further with the business. The case was set for hearing on September 20, when evidence was presented and arguments were made. On November 7 Judge Marshall granted an injunction, his decision being in part as follows:

> The allegations of a conspiracy were material. It was competent for the plaintiff in this way to recover against defendants, who, having conspired, were not directly concerned in the commission of the trespass, and had made no open threat of future violence.

The averment of animus and threats against the Western Federation of Miners was pertinent in connection with the further allegations of the claim by the defendants that the plaintiff was but a cloak under which the Federation was hiding. It was also material to show that the peace officers of the county were dominated by and under the control of the conspirators; it followed that their threats could be carried into effect with great impunity. * * *

Threats of personal violence, which, under some circumstances, might be treated as idle vaporings, would constitute a real danger under the circumstances pleaded. The position taken by the executive of the State and his sympathy with the defendants seems to be entirely irrelevant. * * * The position of the defendants is that, although the wrongs alleged by the plaintiff were in fact inflicted, and under circumstances which show a danger of their recurrence, yet that the defendants were not the wrongdoers nor do they threaten future wrong. * * *

With respect to the Mine Owners' Association there is, I think, a lack of evidence. In the bill the association is alleged in somewhat general terms to be one of the parties to the conspiracy. The bill is verified by one Heimerdinger, the manager and treasurer of the plaintiff. Heimerdinger also filed an affidavit stating more specifically his knowledge about the matters in controversy, but in this affidavit no fact implicating the Mine Owners' Association is alleged. * * *

On the other hand, Hamlin, the secretary of the association, made an affidavit in which any connection of the Mine Owners' Association with the wrongs complained of, or similar wrongs, is specifically denied. Comment is made on the failure of the defendants in their joint answer to deny specifically certain allegations of the bill which charged the defendants, including the Mine Owners' Association, with usurping the power to declare who should be expelled from Teller County and with enforcing the decisions made with force, violence, and terrorism, but if dissatisfied with the answer in this respect, the plaintiff should have excepted to it for insufficiency. The failure to deny by answer an averment of a bill can not be taken as proof of it. (Mitford's Equity, p. 249; Langdell's Equity, sec. 79; Four Minors' Institutes, 1192; Brown *v.* Pierce, 7 Wall., 205, 211.)

It is only when treated as Heimerdinger's affidavit that the bill is evidence against the defendants, and Heimerdinger does not appear to have had such special knowledge about the connection of the Mine Owners' Association as to overcome the positive affidavit of the secretary.

An injunction in accordance with the prayer of the bill will issue against all the defendants except the Mine Owners' Association, K. C. Sterling, F. M. Reardon, J. B. Cunningham, D. E. Copeland (sued as Edward Coplin), F. D. French, H. McGarry, F. M. Woods, A. T. Holman, Loban E. Smith, Harry G. Moore, Earnest A. Colburn, Clarence C. Hamlin, and the defendants sued by fictitious names.

Dated this 7th day of November, 1904.

In granting the injunction Judge Marshall issued the following order:

It is hereby ordered, adjudged, and decreed that the Citizens' Alliance of Cripple Creek, Gail S. Hoag, T. E. McClelland, A. E. Carlton, E. C. Newcomb, Nelson Franklin, R. P. Russell, John Sharp, John Dalzell, H. P. Dahl, W. N. Bainbridge, S. D. Crump, Julius Kirby, H. L. Shepherd, Z. E. Funk, A. B. Schilling, W. E. Dingman, S. A. Phipps, C. C. Fitch, Daniel McCarthy, Thomas Scanlon, Frank Beagle, Charles Huggins, W. Carruthers, W. E. Driscoll, Frank May, Henry Waters, Edward Bell, Philip De Wild, and all members of the Citizens' Alliance not named herein, and all other persons associated with defendants in committing the acts of violence complained of, be, and are hereby, ordered and commanded to refrain and desist from in any manner interfering with the business of the Interstate Mercantile Company, or with any of its employees, and about the taking possession of its said goods and premises, and to refrain from in any manner deporting from the county of Teller any of the employees of said company; and that said injunction shall be in force and binding upon each of the defendants enjoined and upon all other persons whosoever not named herein during the existence of this injunction.

The decision did not apply to the deported miners, and they could not return to Teller County under its protection, as they were not parties to the suit.

On November 9 another attempt was made to deport Frank P. Mannix, county clerk and recorder of Teller County. Sheriff Edward Bell, hearing that Mannix was being deported, started in pursuit. He overtook the deporting party about a mile and a half from Cripple Creek and placed the members of it under arrest. He then swore out warrants charging William Carruthers, Carl Evans, and E. E. Corneilson with kidnaping. Bonds were fixed at $500 each, which they furnished.

In the district court at Cripple Creek, on November 18, District Attorney Henry Trowbridge nolled the cases against many of those who were charged with complicity in the Victor street riots. At that time and previously the cases against 42 persons who had been arrested on such charges were dismissed, and only 17 persons remained under indictment, viz, Charles H. Moyer, John C. Williams, William D. Haywood, James Kirwan, James A. Baker, John M. O'Neill, D. C. Copley, Sherman Parker, Arthur Parker, W. F. Davis, Peter Calderwood, William Boyle, Albert Bilat, L. R. Jenks, Frank Cochrane, Alfred Miller, Fred Minster.

Edward Bell, who, at the general election on November 8, 1904, was elected to succeed himself as sheriff of Teller County, being interviewed on November 27, said:

I think the district is under control now, and I intend to keep it that way during the two years and two months which I have to serve as sheriff. If it is expected that a revolution will have its inception at Cripple Creek the country is in no danger. The danger is all past. There are less than 100 of the radical miners left in the Cripple Creek district. The rest have been deported, or have left the district because they were unable to gain employment. They can never get work there again. The mine owners have adopted a card system by which no miner can gain admittance to a mine unless he has a card showing that he does not belong to a union. The fellows who made the trouble can not get those cards at all.

CONDITIONS IN DECEMBER, 1904.

On December 4, 1904, Charles H. Moyer, president of the Western Federation of Miners, said in an interview: "The issues involved in the Cripple Creek strike remain the same, and the situation is unchanged. Personally, I see no reason why the strike should be called off until a satisfactory agreement with the mine owners has been reached." On December 6 William D. Haywood, secretary-treasurer of the Western Federation of Miners, said in an interview: "With regard to the Cripple Creek strike there is little to say, except that it will be discussed later. Relief is still being forwarded to the strikers. It can be stated with certainty that the Western Federation of Miners will not decide to consolidate with the American Federation of Labor."

In December, 1904, the number of persons engaged in the mining industry in the Cripple Creek district was perhaps 3,500, or about as many as were so engaged before the strike began in 1903, and a large proportion of them were men who had renounced membership in the Federation in order to be able to obtain employment. C. C. Hamlin, secretary of the Mine Owners' Association, who keeps the cards issued by the association to all employees, is authority for the statement that over 2,000 of the men now employed were formerly members of the Federation.

A report of the executive board of the Western Federation of Miners, dated December 22, and published in the Miners' Magazine of December 29, 1904, says that the following local unions were still on strike:

The eight unions in the Cripple Creek district, viz: Free Coinage Miners' Union, No. 19, Altman, Colo.; Anaconda Miners' Union, No. 21, Anaconda, Colo.; Victor Miners' Union, No. 32, Victor, Colo.; Cripple Creek Miners' Union, No. 40, Cripple Creek, Colo.; Independence Engineers' Union, No. 75, Independence, Colo.; Excelsior Engineers' Union, No. 80, Victor, Colo.; Cripple Creek Engineers' Union, No. 82, Cripple Creek, Colo.; Banner Mill and Smelter Men's Union, No. 106, Victor, Colo.

Four unions at other places in Colorado, viz: Durango Mill and Smelter Men's Union, No. 58, Durango, Colo.; Denver Mill and Smelter Men's Union, No. 93, Denver, Colo.; Colorado City Miners' Union, No. 125, Colorado City, Colo.; Idaho Springs Miners' Union, No. 136, Idaho Springs, Colo.

Three unions in California, viz: Randsburg Miners' Union, No. 44, Randsburg, Cal.; Independence Miners' Union, No. 166, Hobson, Cal.; Jamestown Miners' Union, No. 185, Jamestown, Cal.

The report says that two unions in Montana were locked out, viz: Harr Miners' Union, No. 54, Electric, Mont.; Aldridge Miners' Union, No. 57, Aldridge, Mont.

The criminal cases against Charles H. Moyer et al. were transferred for trial from Teller County to Douglas County, by order of Judge L. W. Cunningham, on December 23. His decision, quoted in full below, shows that very high feeling over the issues involved in the strike yet prevailed in Teller County, and for that reason a fair trial of these cases in that county could not be had.

STATE OF COLORADO, *County of Teller*, *ss.:*

In the district court, The People of the State of Colorado *v.* Charles H. Moyer et al., ruling on motion for change of venue:

Inasmuch as the motion for a change of venue in these cases was argued in chambers at Colorado Springs, and the order is to be entered, by agreement with counsel, in Cripple Creek, by the clerk of the district court of Teller County, without the formality of opening court, I deem it proper to briefly state my reasons for my ruling on the motion. It is also understood that the order of the court in these cases shall be binding alike in the various cases growing out of the strike and in which similar motions have been filed.

Counsel for the people concedes that it is not only proper, but that it is my duty to take into consideration in determining this motion any knowledge of which I may be possessed, and which might tend to support the contention of the defendants that a fair trial of their cases can not be had in Teller County. He also concedes that it is my duty to grant the motion if, in my judgment, there be any substantial doubt as to whether the defendants can receive a fair trial in the county where the informations were filed, viz, the county of Teller. Both counsel for the people and for the defendants asserted in the most positive terms that fair and impartial trials are all that is desired by either side. I assume that each spoke with equal candor.

That these cases can be sent to some county where they may be thus disposed of goes without saying. There is, therefore, but one question involved in the just disposition of the motion, viz, Can the defendants beyond substantial doubt, be accorded fair trials in Teller County at the present time?

In this connection it seems not inappropriate on my part to call attention to the fact that after a full discussion of the situation as it existed at and just prior to the opening of the September term of court in Teller County it was thought prudent by all of the three judges of this district to permit all criminal cases arising out of what is known as the Western Federation strike to go over until after election. It was, therefore, ordered that the civil cases, contrary to the usual custom, should be disposed of first, and that the criminal cases growing out of the strike should be set over until after November 5. In this unanimous conclusion on the part of the judges, it is my understanding, counsel for the people and for the defendants heartily concurred. It must, therefore, have been the judgment of all the parties concerned, both judges and counsel, that conditions were not favorable for fair trials of these cases in September last, or, at least, that there was room for substantial doubt on this head.

It is not my judgment that the excitement attendant upon the late election has contributed in any marked degree to tranquillity. Among the results of election day we have on the criminal docket of the district court of Teller County four informations for murder, and other cases are pending, involving felonies of a less grave but very serious nature, and due directly to the political contest. In addition to these criminal cases, election contests are being waged in Teller County and elsewhere throughout the State, which tend to keep alive whatever prejudice may have existed just prior to and at the time of the election.

The intensity of the factional feeling which might naturally be expected to permeate the whole community, and thus make fair trials for anyone connected on either side of the strike doubtful if not quite impossible, is made manifest when we recall the various instances of the destruction of property. Indeed, warrants have been drawn, or certificates of indebtedness issued in acknowledgment, so it is said, of the liability of the State for some of the property so destroyed. Doubtless similar claims will be pressed by the owners of other property that has been destroyed in like manner, and will, in like manner, be allowed, for it is not to be supposed that any favoritism will be shown by the State authorities in favor of, or any prejudice be exercised against, any owner of property that has been damaged or destroyed under the same circumstances.

Personal liberty, it is freely charged by both sides, has been frequently outraged during the past year, such outrages extending up to almost the present hour. Certain it is that it has been necessary for the sheriff to interfere to protect from violence officials of the county who were being deported in broad daylight, ever since the day of election. But so far the sheriff has not caused the arrest or prosecution of those whom it was necessary for him to thus forcibly restrain.

That the bitterest prejudice has been rampant in Teller County for months is the only possible excuse to be offered for these various violations of law, involving the liberty of the individual and the destruction of private property; otherwise these depredations would spring from and be chargeable directly and solely to degenerate viciousness and wanton cruelty. Such a lamentable and frenzied state of feeling can not subside and be forgotten or forgiven in a day, and while it exists and pervades generally the entire county, it is unreasonable to expect that it can, with certainty, be entirely excluded from the jury box.

Having this situation and these conditions in mind doubtless, the Hon. Robert E. Lewis, one of the judges in this district, on several different occasions during the present year granted motions for a change of venue filed by various defendants in divers and sundry civil cases growing out of the strike. These cases were all sent by Judge Lewis to Castlerock, except one which was sent to El Paso County for trial. These motions were granted early in the present year—in April, I believe. I think all fair-minded persons familiar with the situation in Teller County must admit that excitement and prejudice grew steadily worse after April of the present year, when these motions for changes of venue in the civil cases above alluded to were granted.

If it were unsafe and therefore unjust to submit questions affecting property rights to a Teller County jury in April, how much more potent must be the reasons in favor of the pending motions which are urged by men whose liberty and even whose life is involved in the cases now under consideration. Indeed the special prosecuting attorney, Mr. S. D. Crump, who now opposes this motion, appeared in court on April 13 and urged before Judge Lewis the motions in the civil cases refered to, which were granted.

It is interesting, to say the least, to note that the present sheriff, Edward Bell, who now makes an affidavit opposing the pending motion, also made an affidavit which was used by Mr. Crump to support his application for a change of venue in the civil cases mentioned above. In the course of this affidavit, which was sworn to by Mr. Bell on the 30th day of March, 1904, he says that he "verily believes that it would be impossible to have a fair and impartial jury selected from the people of said county (meaning Teller County), and that a trial of his action (meaning a civil case by certain parties in the county against Governor Peabody and others) would result in a miscarriage of justice." This affidavit is signed by some thirty-five of the representative business and professional men of Teller County as well as by Mr. Bell.

In the case of O'Rourke *v.* The Colorado Midland Railway Company a motion for a change of venue was filed by the defendant on the ground of the prejudice of the inhabitants of Teller County, due, in part, to the fact, as it was alleged, that the Midland road had carried strike breakers into the camp and thereby the community had become prejudiced against it to such an extent that it could not have a fair and impartial trial in Teller County. This motion for a change of venue was filed on December 14, 1903, and was by Judge Lewis granted on April 13, 1904. In that case 10 affidavits by representative business men of the community were filed in support of the motion. Among the affiants were the mayors of Victor and Cripple Creek, together with other business and professional men of standing in the community.

One of these affiants whose affidavit was used by counsel for the people in this case to resist the present motion swore to an affidavit in the O'Rourke case on December 2, 1903, which contained the following language: "This affiant does not believe that the defendant (meaning the Colorado Midland Railway Company) can expect a fair and impartial trial of its said cause before a jury selected from the inhabitants of said county."

Yet, on the 7th day of December, 1904, this same affiant swears to an affidavit containing the following: "Affiant further says that he has an extended acquaintance among the inhabitants of Teller County and is familiar with the feeling and sentiment of the inhabitants relative to the charge preferred against the defendants in the above-entitled proceedings (which is the case now under consideration), and he verily believes there is no prejudice against the defendants, or either or any of them, as would prevent their receiving a fair and impartial trial in Teller County."

It is my judgment that one who would sign two such affidavits, under the existing circumstances, must himself be blinded by prejudice of the strongest character.

Again, to make more manifest the prevailing conditions in Teller County, I call attention to the fact that of the 16 affiants whose names appear to the affidavit containing the quotation last above given, 4 of them are directly named in an order issued out of the circuit court of the United States and signed by Judge James A. Marshall, restraining them, among other things, from interfering with the rights, property, and liberty of the Interstate Mercantile Company, doing business in Teller County, and all of the members of the Citizens' Alliance not named in like manner are restrained in this order.

It is probable that all 16 of the parties whose names appear to the affidavit resisting this motion are thus under the restraining influence of Judge Marshall's order. It is a matter of common knowledge that the Interstate Mercantile Company is operated, if not in the interest of, by the partisan friends of these defendants, and whatever feeling exists against this company doubtless exists against these defendants and their friends.

When it becomes proper and necessary for the United States courts to interpose in behalf of law and order in a county, it can hardly be said by those who are embraced within the restraining order of those courts that they entertain no feeling or prejudice, and that no feeling or prejudice detrimental to the defendants or likely to jeopardize their rights exists in the community.

The industrial strife which has waged in Teller County and elsewhere in the State for a year or more has caused apprehension throughout the country. It is of the utmost importance to every citizen of the State that courts shall so order their procedure that there may remain no room for any good citizen to question the impartiality of their decrees. Next in importance to the impartial administration of justice in crises like the present is that the public conscience shall feel and know beyond all peradventure that the law is being fairly and fearlessly administered; and when that has been provided for there certainly remains no ground for complaint or criticism from any source.

While the extra expenditure of money in matters of this character is of minor importance, yet I am firmly convinced that these cases can be tried out of Teller County with no greater expense to the county or State than if they were tried in Teller County. The experience of the court at the last term in securing a jury was most extraordinary. Out of a panel of 125 but 40 jurors were actually secured. After a few civil cases had been disposed of, and before the criminal cases had been reached, but seven regular jurors remained on duty, the others having been excused upon a showing made which the court could not disregard.

The small number of jurors secured is doubtless due to the large number of nonresident taxpayers, whose names appear on the tax schedules of Teller County, and because of the large number of people who have removed from the county. The notoriety of these cases would make it necessary to issue a venire of probably 500 to 700 names in order to secure a jury in a single case, and then the feeling on the part of the jurors that if they were forced to sit upon the cases their business interests might be jeopardized would lead them, in many cases, to urge every possible excuse known to the law in order to avoid the unpleasant responsibility.

This was made quite apparent at the present term of court in Teller County. When jurors were informed that what was known as the "strike cases" were not to be tried, many withdrew excuses already lodged with the court. Indeed, the motion filed by Mr. Crump in the civil cases, to which I have heretofore made reference, contains the following statement corroborating my judgment on this subject. In the motion, which, it will be remembered, was for a change of venue of nine certain civil cases growing out of the strike difficulty, being damage suits against Governor Peabody and other public officials, Mr. Crump said, or rather his clients said:

"The defendants aver that ever since August, 1903, the people of the county of Teller, in said State, have been greatly wrought up and excited over certain differences and conflicts that then and do now exist between what is denominated the Western Federation of Miners and their sympathizers on the one side and the owners and operators of mines upon the other. * * * That a bitter, deep-seated and violent prejudice became thereby engendered between the two warring forces in said conflict. * * * While there are many citizens in said county who are in sympathy with the cause championed by the defendants herein and the side upon which they have been in this controversy, such citizens, in almost every instance, will disqualify as jurors, even should they be called, because of the fixed opinion by them entertained."

Continuing, the petition for a change of venue filed by Mr. Crump and signed by him on behalf of his clients, Governor Peabody and others, says: "And there is probably not one person in said county eligible to jury service who has not imbibed and freely expressed decided and bitter opinions concerning said matters," and it will not be denied, I think, that by the term "said matters" reference is made to the industrial conflict.

Under such circumstances, it is well known by those who have had any experience whatever in courts, that the jurors who do qualify, in many instances, are prompted to do so by a feeling of friendliness or hostility toward the defendants and a desire to sit on the jury for the purpose of favoring or opposing them, and the result in either case would be vicious in the extreme.

I have no doubt whatever that the application for a change of venue in these cases, having been made before any plea of guilty has been entered, comes in time, and the order of the court will be that these cases be transferred to Douglas County for trial. My object in sending them to that county is due to the fact that it is ideally located, so far as railroad facilities are concerned, and because of the fact that in that county there is probably not an organization, or even a member of an organization, which has been involved in the industrial struggle out of which these prosecutions have sprung as one of the unfortunate incidents. Many of the defendants are said to be in Denver and Colorado Springs, as are witnesses for both the people and the defendants. The county seat of Douglas County is situated midway between Denver and Colorado Springs, and is, therefore, convenient to counsel and court officials, as well as to the parties and their witnesses.

For the above reasons cases Nos. 831, 832, 833, 851, and 852, and all other cases growing out of the industrial strife and in which motions for a change of venue have been filed, are hereby ordered transferred for trial to Douglas County, Colo.

By the court:

LOUIS W. CUNNINGHAM, *Judge.*

On January 6, 1905, District Attorney S. D. Crump dismissed the cases charging conspiracy to murder against Charles H. Moyer, president; John C. Williams, vice-president; William D. Haywood, secretary-treasurer; James Kirwan and James A. Baker, members of the executive board of the Western Federation of Miners; John M. O'Neill, editor of the Miners' Magazine; D. C. Copley, and Fred Minster, leaving only nine persons charged with conspiracy to murder in connection with the Victor street riots.

CHAPTER XXXII.

CHARGES AGAINST THE WESTERN FEDERATION OF MINERS AND COUNTERCHARGES AGAINST THE MINE OWNERS' ASSOCIATION AND THE CITIZENS' ALLIANCE.

On August 2, 1904, the Colorado Mine Operators' Association, with headquarters at Colorado Springs, issued a pamphlet of 32 pages, entitled: "Criminal Record of the Western Federation of Miners—Coeur d'Alene to Cripple Creek—1894–1904." This pamphlet charged sundry crimes against the Federation and its members. The first edition of the pamphlet was bound in red paper. On August 27 the Western Federation of Miners, with headquarters at Denver, issued a pamphlet of 32 pages, entitled: "Reply of the Western Federation of Miners to the 'Red Book' of the Mine Operators' Association."

The pamphlet of the Mine Operators' Association contains an indictment of the Western Federation of Miners in six counts. The pamphlet of the Western Federation of Miners reprints this indictment and also prints an indictment of the Mine Operators' Association and Citizens' Alliance, with an equal number of counts, presenting the two indictments in parallel columns, as follows:

Colorado Mine Operators' Association v. Western Federation of Miners.	Western Federation of Miners v. The Citizens' Alliance and the Colorado Mine Operators' Association.
(1) That a large number of criminals and lawless men have been welcomed, supported and sheltered by the Western Federation of Miners.	(1) That a large number of ex-convicts, gamblers, desperadoes and other criminals have been, and now are, knowingly employed and paid by the Colorado Mine Owners' Association and the Citizens' Alliance in Cripple Creek, Telluride and elsewhere in the State as deputy sheriffs, guards, detectives, etc.
(2) That the officers of that organization and a large number of the members, while perhaps not committing crimes themselves for which they can be prosecuted, do directly and indirectly advise or encourage the lawless among them to commit crimes.	(2) That the officers of these organizations and a large number of their members have not only committed crimes themselves, for which they could and should be prosecuted and punished, but the organizations as such have directly and openly aided and abetted the same, and their members have boasted and approved of such crimes.
(3) That these officers and this element preach disrespect for the law	(3) That the association and alliance, while shouting hypocritically

and contempt for the lawful authorities and openly and publicly, as individuals, approve of and gloat over the slugging, dynamiting and murdering of nonunion men by their criminal associates.

(4) That where this organization has had its members in local public offices, or where it has had the power to influence peace officers and courts in this State, it has paralyzed the hand of justice and made it next to impossible to convict members of the Federation caught in the act of committing crimes.

for "law and order," have openly defied the courts, destroyed the liberty of the press, invaded the sanctity of the home, caused arrests without warrant, imprisoned men without charges of crime, driven men from the county after first robbing them, and while declaring such men to be criminals of the deepest dye, have, without compunction, dumped them on neighboring communities. They have tortured men and intimidated women and children in order to obtain confessions, and openly and publicly boasted and approved of such crimes, as organizations, by adopting and publishing resolutions commendatory of them.

(4) That wherever the association or alliance have not had their members in public office, they have, whenever deemed necessary, compelled by violence and intimidation, the resignation of duly elected public officials and the appointment of their own creatures to the so-called vacancies. Wherever their members or tools are in office, or where they have had the power to influence peace officers and courts in this State, the law, as established since Magna Charta, has been subverted by decisions which have made the State a subject of derision to the entire country, the hand of justice has been paralyzed, and it has been futile to attempt conviction of their members, although caught in the act of committing crime and openly confessing and boasting of it.

This charge is supported and proven by the decisions themselves and by the following facts: The informations for riot and conspiracy which a court compelled an unwilling district attorney to file at Idaho Springs against some eighty members of those organizations, charging them as participants in a mob which had driven miners from their homes, were at the earliest possible moment dismissed by the same district attorney, and the criminals allowed to escape trial and punishment, though the whole community could have testified to their identity. At the same time the same district attorney, aided by the attorneys of those organizations and backed by all the money needed, made two attempts by two separate trials to convict miners of the crimes of arson and conspiracy for which the same mob had pretended to expel them. They were each and all triumphantly acquitted without introducing evidence in their defense.

Not one of the mob of "best citizens" who exiled miners from Telluride has been prosecuted. When Judge

Stevens issued his injunction to aid the exiles in returning home, the mob appealed to the governor of the State for force to defy the courts, and he ordered out the militia, placed the leader of the mob in command, and the court stands defied and helpless to this day.

At Cripple Creek, a mob in brass and blue, under orders from a court room with armed men, defied the court in open session. While this mob of soldiers was in the district, it aided and abetted the members of the alliance and association in compelling, by force and threats, the resignations of the duly elected sheriff and coroner and other civil officers of Teller County, and the appointment of their own creatures to the so-called vacancies.

Ever since this lawless governor recalled his mob of soldiers from Cripple Creek the reign of terror continues. Stores belonging to a foreign corporation have been looted in broad daylight by mobs led by A. E. Carlton, president of the First National Bank; Nelson Franklin, former mayor, and Cliff Newcomb, cashier of the First National Bank, and other "law-abiding citizens." Not one of these criminals fears arrest or punishment, and daily outrages are committed with impunity, by mobs composed of members of the alliance and association, or acting under orders from them, and acting with the approval of the peace officers of the county, whom they forcibly installed in office. These crimes are committed with the consent and approval of the governor, who refuses to enforce the law and restore order on the pitiful pretense that he has "not been officially notified."

(5) That this organisation, having formally and officially espoused the cause of the so-called Socialist party, it is opposed to our present form of government and is aiming at its overthrow, together with the abrogation of the present constitution.

(5) That these organizations have formally and officially espoused the cause of the so-called Republican party, which they pretend to be still the party of Lincoln. That each of them is opposed to our present form of government and is aiming at its overthrow. To this end they have destroyed and confiscated property, destroyed the freedom of the press, defied the courts, nullified the writ of habeas corpus, exercised the right of search without warrant, denied the right of trial by jury, exercised the power of banishment, denied the right of citizens to keep and bear arms, and trampled upon every other guaranty of personal liberty made by the constitution of the State and of the United States. Besides these and other violations of the constitutional rights of citizens, they are seeking to abrogate the constitution and install a plutocracy, and to that end have adopted

(6) That this organization teaches its members to regard the wealth they produce from the property of others as their own, thus encouraging theft (of ore, for instance) and also inflaming the minds of its members against their employers, against the law, against organized society, and against the peace and safety of the public.—From Recent Fiction, published by Mine Owners' Association.

Where is the proof?

as their rallying cry a phrase, classic in its terseness and aptly descriptive of the men and their purpose, to wit: "To hell with the constitution."

(6) That the organizations mentioned teach their members that the sole aim and end of existence is to acquire wealth without producing it, and that therefore the methods of trusts, stock watering, stealing ore from neighbors under the guise of trespass, buying the interests of widows and orphans in adjoining property, without informing them of its value, and other similar methods used by predatory wealth, are respectable when compared to the economic theory that wealth, are respectable when comduces it, or to Lincoln's assertions in his message to Congress in 1864, that "to secure to each laborer the whole product of his labor is a worthy object of any government," and that "labor is superior to capital and deserves much the higher consideration."

The facts which support and prove these charges made by the Federation are within the knowledge of every citizen of Colorado.

CHAPTER XXXIII.

STRIKE OF MINERS IN THE COAL FIELDS IN 1903-4.

On August 14, 1903, an open letter, headed "A manifesto" and addressed to Governor James H. Peabody and the public generally was issued by District No. 15 of the United Mine Workers of America. The letter was signed by William Howells, president of District No. 15, embracing Colorado, Utah, southern Wyoming, and New Mexico. The letter specified the grievances which the coal miners had against the coal operators.

For some time previous the officials of the United Mine Workers of America had been making efforts to extend that organization in Colorado, but they had met with strong opposition from the coal companies, and in some cases men had been discharged because they had joined the union. Many of the coal miners in the State were foreigners—Italians, Austrians, and Slavs.

On September 4 Governor Peabody received a committee of officials of the United Mine Workers of America, who called upon him to enlist his influence in securing concessions from the coal operators. The governor attempted to bring about a conference of the coal operators and the officials of the union, and appointed September 11 as the date for such a meeting. On that day the union officials were present, but the representatives of only three coal companies appeared. Most of the operators refused to enter the conference. The largest companies were the Colorado Fuel and Iron Company and the Victor Fuel Company, both of which were controlled by the Rockefeller-Gould interests. Neither of these companies being represented at the conference, W. H. Montgomery, deputy commissioner of labor, telephoned to the office of the Colorado Fuel and Iron Company and was told that the manager declined to send a representative to the conference, that he would willingly confer at any time with a committee of the company's workmen, but would not recognize representatives of the union.

CAUSES OF THE STRIKE.

An annual convention of District Union, No. 15, of the United Mine Workers of America began at Pueblo, Colo., on September 24. On the following day the convention was addressed by Charles H. Moyer, president of the Western Federation of Miners, who spoke in regard to the pending strikes at Colorado City, Denver, Idaho Springs, Cripple Creek, and Telluride. The United Mine Workers of America and the Western Federation of Miners are entirely separate organizations, the former being composed of coal miners, the latter of metalliferous miners. On the same day, September 25, the convention formulated and adopted the following demands upon the operators in District No. 15:

Clause 1. That eight hours shall constitute a day's work.

Clause 2. That all wages shall be paid semimonthly, and in lawful money of the United States, and the scrip system be entirely abolished.

Clause 3. An increase of 20 per cent on contract and tonnage prices, and 2,000 pounds shall constitute a ton.

Clause 4. That all underground men, top men and trappers receive the same wages for eight hours as they are now receiving for nine, nine and one-half and ten hours or over for a day.

Clause 5. For the better preservation of the health and lives of our craftsmen we demand a more adequate supply of pure air as prescribed by the laws of the State.

At this time the coal miners were working from nine to ten hours a day, the demand being for eight. Those who worked on the contract basis were required to mine 2,400 pounds per ton. It was demanded that 2,000 pounds should make a ton. Section 1 of chapter 55 of the Session Laws of 1901 provides as follows:

> All private corporations doing business within this State, except railroad corporations, shall pay to their employees, the wages earned each and every fifteen days, in lawful money of the United States, or checks on banks convertible into cash on demand at full face value thereof, and all such wages shall be due and payable, and shall be paid by such corporations, on the 5th and 20th day of each calendar month for all such wages earned up to and within five days of the date of such payment.

In the camps of the Colorado Fuel and Iron Company and of the Victor Fuel Company the scrip system operated as follows: When a miner desired to buy goods previous to the regular pay day, he obtained from the mine office an order on the company's store for such a valuation of merchandise as he might desire. If, upon the conclusion of his purchase, he did not wish to use the entire order, he was given the change in scrip. With this scrip he could buy what he might desire at any other time. At the end of the month the orders issued were deducted from the monthly wage and the balance was paid him in cash.

The miners claimed that higher prices were charged in the company stores than in other places. They also had other grievances. They objected to being forced to live in the houses of the coal companies. They protested against the discharge of men for having joined the union. They desired, not only that 2,000 pounds of coal should be counted as a ton, but also that they should have their own check weighman—one who would be a member of the union.

Employees of the Victor Fuel Company objected to deductions made from every man's wages—$1 a month for medical attention and 25 cents a month for a school fund. They claimed the privilege of employing their own physicians—practitioners who were not distasteful to them and whom they did not consider incompetent. They alleged that while the company deducted from their total wages $1,800 to $2,000 monthly for medical attendance, the cost to the company for such service did not exceed $700 a month.

The Victor Fuel Company owned all the property in the towns of Hastings and Delagua, Las Animas County. A special school tax is levied by the State on property in the cities and towns in the State. The Victor Fuel Company paid this tax for the towns of Hastings and Delagua out of the 25 cents a month deducted from the wages of every employee, whether he was a married or single man.

The newspapers on September 26 published a statement attributed to John L. Gehr, of Florence, Colo., a member of the national executive board of the United Mine Workers of America, as follows:

> I believe it would be little less than a sacrifice of my friends should I counsel them to strike at this time. I was outspoken in my denunciation of the plan all along, and I have prepared a report to present to the national executive board when they convene in Indianapolis, October 5.

The district convention at Pueblo adopted the following preamble and resolutions:

> On account of an article appearing in the newspapers of yesterday, by John L. Gehr, which, if the same is true, we, as delegates to the third annual convention of the United Mine Workers of District No. 15 assembled, most heartily condemn.
>
> *Be it resolved*, That it is the sense of this convention that John L. Gehr be censured by us until such time as he shall prove his innocence;
>
> *And be it further resolved*, That a copy of these resolutions be spread upon the minutes, a copy sent to the press for publication, as the story in the papers this morning was not true, and we denounce any such act and also condemn John L. Gehr's action.

The national executive board of the United Mine Workers of America, with headquarters at Indianapolis, Ind., authorized its president, John Mitchell, to send the following telegram to the managers of the Colorado Fuel and Iron Company and the Victor Fuel Company, which were the controlling coal companies in southern Colorado:

> INDIANAPOLIS, IND., *October 6, 1903.*
>
> An application has been made by the organized coal miners of Colorado for authority to inaugurate a strike at the coal mines in that and adjacent States, including mines operated by your company. Before definite action is taken, I have been instructed by the national executive board of the United Mine Workers of America to communicate to you our desire to adjust wage differences or grievances by means of conciliation or arbitration, and I should be pleased to ascertain if you

will receive representatives of our organization for the purpose of discussing matters complained of by your employees, many of whom are members of our organization and have authorized us to act for them.

Please wire reply.

JOHN MITCHELL,
President U. M. W. of A.

To the foregoing message the following replies were received:

DENVER, COLO., *October 7, 1903.*

JOHN MITCHELL, *Indianapolis, Ind.:*

Answering your telegram of yesterday, in Mr. Hearne's absence, I have to say that we have not been advised, and do not believe, that our miners have any desire to strike, as we have always been able to adjust directly with them any differences that exist. We do not think your organization is authorized to represent our miners, as very few of them belong to it. If you understand the situation as it really is, you no doubt regard the inciting of any further industrial disturbance in Colorado as ill-advised and criminal.

J. F. WELBORN.

DENVER, COLO., *October 7, 1903.*

JOHN MITCHELL, *Indianapolis.*

Mining prices here were advanced voluntarily one year ago 10 to 20 per cent in different districts. Our men are working every week day in the year, making money, and are contented; have made no demands. They are not represented by your organization. We, therefore, see no reason for meeting your representatives.

THE VICTOR FUEL COMPANY,
By GEORGE W. BARTLETT,
General Manager.

The national executive board of the United Mine Workers of America, before its adjournment on October 9, adopted the following resolutions by unanimous vote:

Resolved, That the national executive officers are hereby given full power to inaugurate a strike in District No. 15, in one week after the adjournment of the national executive board, if a conference can not be arranged or an adjustment made of the Colorado situation.

On October 26, 1903, John Mitchell, national president, addressed an official letter to William Howells, of Trinidad, Colo., president of District No. 15. in which letter he referred to the foregoing telegraphic correspondence, and said:

Since the receipt of these declinations we have continued our efforts to reach the interests which control the Colorado Fuel and Iron Company, but regret to say that up to this time we have been unsuccessful, although we have not yet abandoned our effort to reach an adjustment without recourse to a suspension of work.

Information reaching us from the various mining camps indicates a growing restlessness and impatience upon the part of the miners and mine workers, whose conditions of employment, especially under the two companies referred to, have grown to be intolerable. These reports are fully confirmed by the official statements sent to us by our representatives, and are repeated by special officials sent to Colorado to investigate.

In view of these circumstances, we have decided to authorize the inauguration of a strike in Colorado, Utah, New Mexico and southern Wyoming, to take effect Monday morning, November 9, provided an adjustment has not been reached in the interval, or negotiations are not then pending which would justify us in believing that a settlement would be secured.

You are, therefore, advised to issue an official order to the mine workers of District No. 15 to discontinue work and remain in idleness on and after November 9, unless they receive instructions to the contrary from this office.

You are authorized to inform all mine workers, union and nonunion, that the national organization of the United Mine Workers of America will render all possible assistance in conducting the strike and prosecuting it to a successful issue.

Several national organizers of the United Mine Workers of America were ordered to Colorado to organize the unions more thoroughly in that State. Las Animas and Huerfano counties embrace what are called the southern Colorado coal fields. There are extensive coal mines in Fremont County, which is near the middle of the State, and there are coal mines in Garfield County, in the western end of the State. Boulder County embraces most of what is known as the northern Colorado coal fields.

The miners in the northern coal fields requested the operators to meet with their representatives in a conference. The operators decided to do this, with the understanding that they would not negotiate with the men as representatives of the union, but that each operator would treat with the representatives of the men in his employ. Such a conference was held at Lafayette on November 3. The miners then presented their demands, which were taken under consideration to be decided at a meeting on November 5.

On November 4 Governor Peabody, Deputy Labor Commissioner W. H. Montgomery, and the general managers of the Colorado Fuel and Iron Company and the Victor Fuel Company held a conference to discuss methods of settlement. Governor Peabody and Mr. Montgomery insisted that a conference should be arranged with the union men. This the general managers of the companies refused to accede to. They were willing, they said, to listen to any committee of their own employees and to consider any grievances which might be brought before them, but they would not treat with the union. Then Governor Peabody asked that they take the same steps as the operators in the northern fields, and meet representatives of the miners, with the understanding that they were not treating with them as representatives of the union, but as representatives of their own employees. The general managers refused to make this concession, and reiterated that they would treat with their own employees but with no others.

The conference of the operators of the mines in the northern coal fields and representatives of the miners in their employ was continued on November 5 and 6, being held on these dates in the office of the Northern Coal and Coke Company at Denver. F. F. Struby, president of that company, was chairman of the meeting. The eight-hour question was thoroughly discussed, and the operators insisted that they could not grant eight-hour shifts until such time as the mines in other sections of Colorado should adopt such a basis. The operators submitted a new scale of wages providing for an increase of wages. On November 7 a referendum vote on the proposed scale was taken by the miners in the northern fields. The vote was against accepting it, this negative vote being more on account of dissatisfaction with the refusal to grant eight hours than dissatisfaction with the scale.

The strike went into effect on November 9, 1903. In Las Animas County about 6,500 miners struck; in Huerfano County, about 450; in Fremont County, about 1,700; in Boulder County, about 1,500; in Garfield County, about 300. At various mines in New Mexico about 500 miners struck. The number who struck in southern Wyoming was small. In Utah there was none.

Another conference of the operators and the representatives of the miners in the northern Colorado fields was held at Louisville on November 13. President Struby, of the Northern Coal and Coke Company, acted as chairman and John C. Thompson of the local union was chosen secretary. The operators conceded a reduction in working hours from ten to eight, but with the understanding that if the miners should lose their strike against the principal operators in the southern fields, or if said operators should not grant an eight-hour day, the northern miners should resume working on a ten-hour basis, as before the strike. The operators also conceded an advance on the price per ton for mining coal, varying greatly according to conditions at the various mines, but averaging about 15 per cent. Under this scale miners could earn about as much in eight hours as under the old scale in ten hours.

The referendum vote was taken by the miners on November 14 and by a small majority they decided not to return to work. On November 21 they held a mass meeting at Louisville to consider further the matter. A committee was appointed to wait upon President Struby and learn whether he would waive the condition that unless eight hours were granted in the south the northern miners should return to a ten-hour basis. The committee reported that he conceded this point, and it seemed that those present were disposed to vote to return to work. But the crowd was swayed by a speech made by "Mother Jones," who declared that if the northern miners should go to work again before the strike was won in the south they would lessen the chances of the miners in that section winning their strike. She was followed by John F. Ream, of the national executive board, who advised that the northern miners return to work on the terms open to them for acceptance, otherwise they would lose the sympathy of the public. He declared that he was acting under the instructions of President John Mitchell in urging the men to return to work. "Mother Jones" again spoke in opposition to resuming work in the northern fields before a settlement in the south, saying that such an act would be desertion of the southern miners. A secret ballot was then taken, resulting in a vote of 165 for, to 228 against, accepting the proposition.

This vote, which was not a full vote by any means, caused dissatisfaction among the miners themselves. The local union at Lafayette, by a vote of 173 to 2, called for another referendum. William Howells, president of district 15, withdrew his objection to the northern miners returning to work before the strike in the south should be won. John L. Gehr, of the national executive board, continued to urge the northern miners to resume work. Accordingly, another referendum was taken on November 28, and, by a vote of 483 to 130, the men decided to accept the terms which the operators had last conceded. The strikers in the northern coal fields returned to work on November 30. The following editorial appeared in the United Mine Worker's Journal dated December 3:

> The action of the miners in northern Colorado in returning to work on Monday is to be commended. Had they accepted the offer of the operators at the first referendum, more pleasant relations would exist between the men and their employers. Every demand they asked for was conceded save the "check off," and at that time the operators were in a friendly state of mind toward the organization, but now we are afraid that the course of the miners in the northern field has irritated them, which will cause more or less friction in the future. The mine workers can remove this by an honorable and straightforward course and living up to the letter and spirit of their contract.

In the southern coal fields the Colorado Fuel and Iron Company and the Victor Fuel Company evicted from their homes the tenants who did not continue at work for them. Both companies not only rented houses to employees but leased ground on which tenants could erect temporary habitations. Such a lease was terminable at the pleasure of the company, and provided that any structure erected by the lessee would be forfeited to the company when the lessee should be dispossessed. Following is a copy of a lease:

GROUND LEASE.

This agreement, made this day between the Victor Fuel Company, lessor, and John Mosca, lessee, witnesseth:

1. That said lessor hereby lets and leases to said lessee, upon the terms and subject to the provisions hereinafter stated, the following described premises, situated in the county of Las Animas, State of Colorado, to wit: Ground-rent house 289, Hastings.

2. This lease is made for the purpose only of enabling the lessee to provide a temporary dwelling place for himself and family during his employment by the lessor, by the construction of a house on said premises; is for the term of one month, from and after the first day of October, 1903, subject to the absolute right of the lessee thereunder at pleasure, which right of termination is expressly reserved to the lessor; rate of rental is 50 cents per month, due monthly in advance, and when not so paid, may be deducted by the lessor from any sum due the lessee at the end of each month. The lessee shall not sublet the premises or any part thereof to be used for any purpose except as a dwelling place, without the written consent of the lessor.

3. This lease may be terminated by the lessor at any time, by giving the lessee or any person occupying the premises three days' notice in writing of such termination, or, if no one be found occupying the same, by posting such notice on any dwelling situated thereon, or at any conspicuous place on said premises; and in case of such termination or by the expiration of the month, the said lessee shall within five days thereafter move his family, property, and buildings from the premises; in case of failure of lessee to do so, the lessor may treat with the lessee as unlawfully detaining the same, and may proceed by law to recover by possession, and shall have a lien on all the lessee's property put or used on the premises for all rent due or unpaid; and may, with or without legal process, remove the lessee, his family, and personal possessions from the premises. If any buildings erected on said premises by the lessee are not removed by him as herein provided, they shall be forfeited to and become the personal property of the lessor.

4. In case the lessor shall consent to and permit the lessee to continue in occupancy of premises after expiration of the month, or after termination of the lease by notice without taking steps within thirty days to recover possession, such assent and permission and occupancy shall be deemed a renewal of the lease under all its provisions for another term of equal length to the first, and such renewals may continue to be made in like manner for a term not exceeding one year from date hereof.

Signed, the thirteenth day of October, 1903.

THE VICTOR FUEL COMPANY,
By G. F. JEWETT.
JOHN MOSCA.

Following is a copy of a notice to vacate, issued by the Victor Fuel Company:

NOTICE TO VACATE.

To JOHN MOSCA:

You are hereby notified that the lease from the Victor Fuel Company to you, bearing the date of the first day of October, 1903, for the following described premises is hereby terminated, such termination to take effect three days after this notice is served on you. You are further notified hereby, within five days after the termination of said lease to remove your family, property, and buildings from said premises.

Description of premises: House 289, Hastings, Colorado.

Dated, this nineteenth day of December, 1903.

THE VICTOR FUEL COMPANY,
By J. B. WILLIAMS.

In some cases disturbances arose when persons who had leased ground and erected temporary houses were evicted and the houses demolished. The United Mine Workers of America provided shelter for its members who had been evicted. A large number of tents were used for this purpose. The union also conducted large commissaries and provided food, clothing, and medicines for its members and, where necessary, paid for medical attendance. The union also furnished transportation for many miners to other mining regions.

The Victor Fuel Company claimed that it owned everything within the limits of the towns of Hastings and Delagua, and that the use of the streets through these towns had been a permissive act by the company. After the strike began, the company refused to permit union men to pass through these towns. Some who attempted to do so were arrested by deputy sheriffs employed by the company, confined in the jail at Hastings for an hour or two, and then escorted out of town and warned never to return.

President John Mitchell arrived at Trinidad on December 2, and the next day addressed a public meeting of 3,000 people. He urged the strikers to stand firm, and said in part:

> I recognize that the lands and mines belong to the coal companies. I deny that the men belong to the companies. I deny that the company shall say that you shall not belong to the union; that you shall not trade where you wish to; that you shall be paid in any other than American money. I want the workmen paid in American money, not in scrip. * * *
>
> We have raised the standard of our homes, of our living, of our social conditions. I look forward to the time when these old shacks you are living in shall be torn away, and good comfortable houses shall be built in their places. * * *
>
> It is futile for the managers of the coal companies to think that they can drive the United Mine Workers of America out of Colorado. We can not be driven out of this State. We propose to live within the law, to obey every law of the country. If you feel as I do, you will mine no more coal until you receive reasonable wages and better conditions and until the companies obey the law, just as they ask you to do. Stand together, fight together, fight on, fight peacefully, be good union men, for when you are good union men you are good citizens.

On December 3 the Victor Fuel Company filed suit against the United Mine Workers of America; its president, John Mitchell; its vice-president, T. L. Lewis; its secretary-treasurer, W. B. Wilson, and all its national and district officials who were in Colorado. The defendants were charged with interfering with the conduct of the business of the company, and with intimidation of its employees, and also with shipping miners and employees of the company out of the State. The plaintiff alleged that the profit lost on the coal which the company would have marketed since the strike began, and which could not be marketed because of the strike, was $50,000; that the cost to the company for armed guards, made necessary by the strike, was $25,000; and that other damages amounted to $10,000, making a total of $85,000.

The southern mine operators having declared unanimously that they would not confer with the national president or any other official of the United Mine Workers of America, Mr. Mitchell made no effort to meet them. He arrived in Denver on December 4, and being interviewed the next day said:

> If I had been absolutely certain I should not meet any person identified with the other side, I should have come to Colorado anyhow. Primarily, my purpose in coming here was to observe how the strike was being conducted and to offer such advice as I might consider proper. I may say that I am thoroughly satisfied with the manner in which the strike has been handled. It is almost unnecessary to add that the cause of the men in the southern fields has my unqualified approval. The United Mine Workers of America will support them morally and financially.

Mr. Mitchell was the guest of the Denver Chamber of Commerce at a luncheon in its dining hall on December 5; and in the large hall of the Chamber of Commerce Building he made an address, in part as follows:

> The miners in the south are to-day at work under conditions which are, to say the least, un-American. Their hours are long and their wages small. The men are not permitted to spend their earnings where they please, even after they have earned their wages. In addition, you in Denver are satisfied if when you buy a ton of coal you get 2,000 pounds. That is what you are entitled to, but the miner in the south must mine 2,400 pounds of coal before he gets paid for a ton.
>
> As a matter of fact, the men who work for the Colorado Fuel and Iron Company are not paid all their wages in money. They are paid part of their wages in scrip. The law also says that the men shall be paid twice a month, but all the coal companies, excepting those in the north pay their men but once a month. If a man draws pay orders during the month, he must cash them at a reduction of 20 per cent.
>
> Years ago in the south the population was largely American. In that field now I dare say there are less than 25 per cent of the miners who were born on American soil. If the conditions were fair, if the conditions were American, it would not be so. I do not wish to decry the laborers in that field, but when men whose standard of living is lower than the men then in the field are brought in, the standard of wages is lowered. * * *

The United Mine Workers has contracts with the very companies who are now fighting us. I understand that Messrs. Rockefeller and Gould have control of the Colorado Fuel and Iron Company. Now, I have on many occasions signed contracts with the representatives of Mr. Rockefeller and Mr. Gould, and under these very contracts thousands of miners are working to-day. So that the opposition of the Colorado Fuel and Iron Company in not treating with us is not the result of any inexperience. * * *

It seems to me that in your Western country an organization similar to the Civic Federation would be of great benefit. An organization composed of the representatives of capital, of labor and of the public, would result in great good to the citizenship of Denver.

Mr. Mitchell held a conference with Governor Peabody in the latter's office in the State capitol, on December 6. Mr. Mitchell refused to discuss the conference, but the governor, being interviewed, said:

The conference was very pleasant, although it was not productive of results. At its conclusion President Mitchell stated that so far as he could see there was no immediate probability of a settlement of the strike.

Our conference began by Mr. Mitchell reciting the different aspects of the situation, and the causes that led to the strike, the eight-hour day, the mining of 2,400 pounds of coal for a ton, and the issuance of scrip. He stated that the union had furnished transportation to 1,300 or 1,400 strikers to other fields, where they secured employment; also that over 1,000 strikers who had money had paid their own transportation and had gone to work in other fields. The remainder are being provided with strike benefits as called for—single men, $5 per week; married men, $8. Mr. Mitchell declared that his organization would furnish the strikers with food, clothing and shelter as long as the strike should last, or until they could be transported to other fields.

In turn, I told him that I would protect the people with the same jealous care as he had said he would look after his men. I called his attention to the geographical location of Colorado, and the absolute necessity of having coal, and that I would see to it that it is produced if enough laboring men can be found to mine it. I told him his men might remain in idleness as long as he cared to board and clothe them, provided they obeyed the law and committed no act of violence. As soon, however, as they interfere with the men who care to work, that moment I will interfere with the troops and grant protection to those who care to work. I told him that I drew no distinction between organized and unorganized labor. Neither did I intend going into the merits or demerits of the controversy, but that any individual desiring to labor would have absolute and certain protection.

I further called his attention to the fact that I had declared qualified martial law in Teller County, and that I intended doing the same in every county of the State, if necessary, to bring criminals to trial and justice. I told him if criminals could prove their innocence in civil courts they might go free, but if I could later produce evidence, I would have them rearrested and send every one of them to the penitentiary.

I also told him that if there was anything I could do within the scope of my duty to bring about an early settlement, I would lend my influence in that direction. But I gave him to understand that I would not undertake to arbitrate the question at issue, as that is a matter concerning employer and employee, and not the general public. Mr. Mitchell expressed himself as well satisfied with my statement, and said he had no criticism to make in regard to my proposed action in the matter.

Did he ask for a conference? was asked.

No, replied the governor.

Did he offer any suggestion by which a settlement could be brought about?

He said he believed that if a committee of miners could meet the managers of the coal companies and talk over the issue, face to face, a settlement might be effected. But the managers have so persistently declared they will not meet with representatives of labor, but only with committees of their own employees, that Mr. Mitchell was not sure whether they would consider those on strike as coming within a class of their employees.

Mr. Mitchell also said that he had investigated the scrip system in Colorado, and had not found it as pernicious as practiced in some other States. He also thought that if the coal companies would adopt a semimonthly pay day, much complaint among the miners in respect to payment of wages would be done away with.

Did he assure you that there would be no violence in the south?

Yes, Mr. Mitchell did. He said as far as he knew there had been no boisterousness since the strike had been called. He said the men had been told to abstain from violent actions, and to keep away from saloons. He claimed the order had been obeyed, and believed it would be obeyed in the future.

In return, did you say, if such is the case, you will send no troops?

Certainly. The troops are used solely to bring about obedience of the law. They will not be sent unless there are disturbances.

So far as tending toward a settlement of the strike, the conference has borne no fruit, unless Mr. Mitchell's suggestions about a conference between miners and managers might result in bringing the two sides together.

The first cases of assault during the strike of coal miners took place in Las Animas County on December 7. In the forenoon Marshal Milton Hightower was superintending the tearing down some of the shanties of the Victor Fuel Company at Hastings, in which some of the miners had formerly lived. He was set upon by a mob of Italian women, one of whom struck him with a cleaver, nearly severing one of his ears from his head.

Thomas Jennings, an employee of the Colorado Fuel and Iron Company, and a brother of the superintendent of the company's mine at Berwind, had conducted several parties of men from Berwind to Primero. He was conducting a party of four on the afternoon of December 7, when they were fired upon by several unmasked men. None of them was hit by the bullets, but one of the mules drawing the wagon in which they rode was killed.

On the night of the same day a fight occurred at the coke ovens of the Colorado Fuel and Iron Company at Segundo. The division superintendent, learning of the attack upon the Jennings party, telephoned to the superintendent of the coke ovens, asking him to request the deputy sheriffs who were guarding the property of the company to allow no one to enter Segundo without satisfying themselves that they were all right. About 8 o'clock in the evening the deputies halted 6 Italians near the ovens. Almost immediately shooting began, each side claiming afterward that the other fired first. About 100 shots were fired. None of the deputies was hurt, but one of the strikers was killed and three others were wounded, one of them fatally. The funeral of the two men took place on December 10. Placards as follows had been posted about the streets of Trinidad:

> The funeral of the two assassinated miners who fell victims of corporation hirelings at Segundo will occur in Trinidad. Funeral from Jamieson's undertaking parlors, 2 p. m., December 10, 1903.

There was an imposing procession to the Catholic church, and, after services there, to the Catholic cemetery. About 1,100 people and 37 carriages were in the procession. The men marched in divisions, one from each camp, each division carrying an American flag draped in black. Every man wore a band of black upon his arm.

One of the houses of the Colorado Fuel and Iron Company at Berwind, Las Animas County, was occupied by an Italian striker who refused to vacate it. He went to the office of the company almost daily, heaping abuse upon the clerks and demanding his pay. Each time he was told that as soon as he should vacate the house and bring its keys to the office he would be paid what wages were due him. He was given the same answer on December 10 and became abusive. Deputy Sheriff Joseph Duval attempted to put him out of the office and a fight started, in which the Italian was struck over the head with the butt of a revolver. During the afternoon Duval and two or three other employees of the company, while driving along the road near Berwind, were fired upon by a party of strikers, but no one was injured.

Two members of the national executive board, James Mooney and W. R. Fairley, were severely assaulted on February 14, 1904. Mooney had been in Colorado since the strike began, November 9, while Fairley had recently come to the State, relieving James F. Ream. Having visited the union camp and commissary at Tabasco, Mooney and Fairley were coming in a buggy to Trinidad on the afternoon of February 14. About 3 miles beyond Bowen eight masked men with drawn revolvers commanded them to hold up their hands, then to get out of the buggy. These orders were promptly obeyed. The masked men then struck Mooney and Fairley with their fists and beat them with revolvers. They were abused and ordered not to go to Trinidad but to return to Tabasco. Though both of them had considerable money, no attempt was made to take it from them. Leaving their horses and buggy, they started to walk, but Mooney, who was more seriously injured, was unable to walk, and they were given a ride by a man driving a wagon. At Bowen their wounds were dressed. They took an evening train for Trinidad, where Mooney was placed in a hospital.

William Howells, president, and John Simpson, secretary-treasurer of District No. 15, issued a card to the local unions in that district on February 18. They denounced as false reports that there was lack of harmony or any misunderstanding between the national officers and the district officers of the United Mine Workers of America, and they said:

> We, as your officials, deem it about time that an explanation should be made of the present situation of the strike and what has led up to the present change of operations. You are partly informed, undoubtedly, of the change of management of the financial affairs of the district appertaining to the strike. Owing to the very heavy cost found in carrying on the same, it overreached the amount allowed by the national executive board some $2,000 or $3,000 a week.
>
> We then found it necessary to proffer to the national executive board the privilege of regulating the strike conditions and spending their finance, they seeming to think that a more economic basis could be established than what we are using, so we found it, in our judgment, best to place the responsibility where it belonged.
>
> Therefore, the matter is now in their hands, and has been since the 1st of February, 1904. We find, in looking over the matter up to the 1st of February, there has been expended for strike purposes by the national executive board $154,000 and $6,348 by the district. This district money had also gone into this strike, virtually leaving the district at this time penniless.
>
> The situation in the southern field at this time is standing very much the same, as far as the strikers themselves are concerned, as it was two months ago. Some of the mines are operating partially and producing about one-fourth of their normal output by scab labor, of what was being done prior to the strike. If the demand now was equal to what it was a year ago, our chance of a successful settlement with the companies would be much better than it is now. Nevertheless, it is fair to believe that a settlement somewhat satisfactory to the miners may be secured by continuing on the same lines that is now being carried out.
>
> The back standing debt is about $20,000, which we have every reason to believe will be assumed by the national executive board in due time. The way said debt came to be was through the fact that we fixed a proportionate amount for each individual man, woman and child, that was affected by the strike—$2 a week for men, $3 a week for man and wife and 50 cents per head for children. This was done some time in November, 1903. On December 5, John Mitchell came out to this district and fixed an allotment of $12,000

per week for strike purposes. We had then on strike some 19,000 people, all told. This $12,000 was to carry the whole load, feed the people, without considering the expenses that would be contingent upon strike necessities, such as rents, coal, tents, local workers, drayage, transportation, funerals, doctor bills, lawyer fees, litigations, etc., amounting, on an average, to more than $1,500 per week. We followed up as liberal policy as we possibly could in settling the strike down to a solid basis, placing us far behind the $12,000 allotment, so when coming to sum up the whole thing, we find ourselves in debt the amount mentioned above.

The national executive board has now decided to spend $15,000 a week in providing food and such other things as are absolutely necessary in supporting the strike and seems determined to carry it out to the uttermost limit.

On March 3, W. B. Wilson, secretary of the United Mine Workers of America, at Indianapolis, was asked when the coal strike in Colorado would be declared off. He answered that the matter was entirely in the hands of the district officials, and that he had no information that the strike would be declared off.

Chris Evans, financial manager of District No. 15 during the strike, and personal representative in Colorado of President John Mitchell, was assaulted and badly wounded while he was on a train of the Colorado and Southern Railroad. He took the train at Trinidad on the evening of March 13, to return to Pueblo, where were his headquarters. When the train stopped at the Santa Fe crossing, just north of Trinidad, it was boarded by three masked men, who entered the coach in which Mr. Evans was sitting. One of them presented a revolver in his face, another beat him over the head with the butt of a revolver, while the third, with drawn revolver, held the passengers at bay. After beating Mr. Evans to insensibility and inflicting half a dozen or more gashes on his head, the three men left the train. Mr. Evans remained unconscious for half an hour. When he reached Walsenburg, his wounds were dressed.

At Trinidad, on the evening of March 13, an Italian striker was shot and killed by two guards after he had fired upon coal company employees and while he was running away.

MILITIA ORDERED OUT.

Governor Peabody dispatched Maj. Zeph. T. Hill to Las Animas County to investigate conditions there. Major Hill reported that the situation was alarming and trouble might begin at any time. The mayor of Trinidad and State Senators Frank D. Wood and Casimira Barela called on the governor at the State capitol, on March 21, and insisted that conditions were so alarming that troops should be ordered out to prevent violence in that county. O. T. Cook, sheriff of Las Animas County, telegraphed to Governor Peabody as follows:

TRINIDAD, COLO., *March 21, 1904.*

The governor of the State of Colorado:

Conditions in Las Animas County impel me to address this communication to your excellency, to the end that violence, insurrection, destruction of property, with probably serious loss of life, may be prevented. Within the limits of this county and within a radius of 20 miles of Trinidad there are some 2,000 to 2,500 idle men who were recently employed by the various companies and individuals operating coal mines, all of whom quit work in November last, when a general strike was ordered by the union or association known as the United Mine Workers of America.

Until within the past few weeks the conditions have not been such as seemed to me to justify the interposition of the State's chief executive, and the employment for the protective purposes of the military arm of the State.

Recently, however, the manifestations of discontent have become most marked and alarming. The coal operators have been generally filling the places made vacant by the striking miners, intense ill feeling has been engendered, conflicts have occurred between strikers and others, some of the so-called union leaders have been in several instances severely assaulted, and the great body of unemployed have been advised to and are arming themselves with deadly weapons, in apparent anticipation of an open and violent conflict.

Within a comparatively short time all the firearms carried by the local dealers, consisting of shotguns, rifles and large pistols, together with large supplies of ammunition, have been purchased by these idle men or their leaders, and shipments of rifles and other firearms from the East have been made to local camps presumably for use of the strikers, until it is safe to assert that if all the unemployed miners are not armed, not less than 1,500 are fully equipped, thoroughly instructed and ready for prompt action.

I am constantly in receipt of information which leads me to conclude that an outbreak is imminent, and should it occur the civil officers of this county will be powerless to suppress it. Under the circumstances thus indicated in a most general manner, I am constrained to represent to your excellency that there is in this county a body of men, with arms at their command, acting together, threatening by force and violence to break and resist the laws of this State, and that this threatened outbreak involves serious destruction of property and the loss of life to many innocent citizens.

I, therefore, most respectfully suggest the propriety of your excellency directing a sufficient force of the Colorado National Guard to be sent to Las Animas County, under such instructions as to your excellency may seem needful, to enforce the law, maintain peace, suppress any violence, tumult or riot, and to protect the lives and property of the citizens of this community.

O. T. CLARK,
Sheriff of Las Animas County, Colo.

On March 22, Governor Peabody issued the following proclamation, declaring Las Animas County "to be in a state of insurrection and rebellion:"

GOVERNOR'S PROCLAMATION.

Whereas, there exists in Las Animas County, State of Colorado, a certain class of individuals who are fully armed and are acting together, resisting the laws of this State, and offering violence to citizens and to property located in said Las Animas County; and

Whereas, at divers and sundry times, various crimes have been committed in Las Animas County by said individuals, or by and with the aid and under the direction of said vicious and lawless persons; and

Whereas, from time to time attempts have been made to destroy property in said county by the use of dynamite or other explosives, which would have resulted in the destruction of a vast amount of property and considerable loss of life; and

Whereas, threats, intimidations and violence are daily threatened and frequently resorted to by said lawless class of individuals; and

Whereas, the civil authorities of said Las Animas County have notified me that there is a great body of unemployed men in said Las Animas County who are arming themselves with deadly weapons, in apparent anticipation of an open and violent conflict, without any respect for our government or its constitution and laws; and

Whereas, it is estimated by the sheriff of said Las Animas County that not less than 1,500 men are fully equipped with shotguns, rifles, pistols and deadly weapons, thoroughly instructed in their use and ready for prompt action; and

Whereas, such outbreaks of violence, in opposition to the constitution and laws of this State is imminent, which would involve serious destruction of property and the loss of life to many innocent citizens; and

Whereas, by reason of such lawlessness, acts of violence, and disturbances, the civil authorities are unable to cope with the situation,

Now, therefore, I, James H. Peabody, governor and commander in chief of the military forces, by virtue of the power and authority in me vested, do hereby proclaim and declare the said county of Las Animas, in the State of Colorado, to be in a state of insurrection and rebellion.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State, in the city of Denver, the State capital, this 22d day of March, A. D. 1904.

JAMES H. PEABODY.

By the governor, attest:

JAMES COWIE, *Secretary of State.*

Governor Peabody also issued the following order to Adjutant-General Bell that troops be sent to Las Animas County to preserve peace and good order:

Executive Order.]

STATE OF COLORADO,
EXECUTIVE CHAMBER, DENVER.

Ordered: It having been made to appear to me by the sheriff of Las Animas County, Colo., by the honorable commission appointed by myself to investigate the matter, by numerous State and civil officers, and other good and respectable citizens of said Las Animas County, that there is a tumult threatened, and a body of men, acting together by force, with attempt to commit felonies and to offer violence to persons and property in the said county of Las Animas, in the State of Colorado, and vicinity, and by force and violence to break and resist the laws of this State, and that a number of persons are in possession of deadly weapons and are in open and active opposition to the execution of the laws of this State in said county, and that the civil authorities are wholly unable to cope with the present situation, and that the sheriff of said county of Las Animas has notified me that he is unable to preserve and maintain order and secure obedience to the laws of this State and to protect the lives and property of the citizens of said county:

I, therefore, direct you, in pursuance of the power and authority vested in me by the constitution and laws of this State, to direct Maj. Zeph. T. Hill, commanding the First Squadron of Cavalry, National Guard of Colorado, to forthwith order out such troops as in your and his judgment may be necessary and to report to the sheriff of Las Animas County, Colo., to properly assist the said sheriff of said county, and that he use such means as he may deem right and proper, acting in conjunction with, or independently of, the civil authorities of said Las Animas County, as in his judgment and discretion conditions demand, to restore peace and good order in said community, and to enforce obedience to the constitution and laws of this State, and in maintaining peace and good order.

Given under my hand and the executive seal, this 22d day of March, A. D. 1904.

James Peabody,
Governor and Commander in Chief.

To Sherman M. Bell,
Adjutant-General of the State of Colorado:

W. R. Fairley, of the national executive board of the United Mine Workers of America, was interviewed at Trinidad on March 22, and was quoted as saying that he would like to see the troops there so that protection would be given to the strikers as well as to the operators. On the contrary, William Howells, president of District No. 15, was quoted as saying, on March 23:

> The action of Governor Peabody in calling out the militia and declaring martial law is absolutely unwarranted by the conditions. Since the strike began in November there has been no violence or disturbance except what was occasioned by the agents of the operators. We have counseled moderation from the beginning, and we shall adhere to our policy. Reports that strikers were gathering arms are absolutely untrue; they are peaceable and implicitly obey our directions.

About 400 troops reached Trinidad on March 23. The following order by Major Hill was read on the principal street corners:

General Orders, No. 2.

March 23, 1904.

First. Martial law having been declared in this the county of Las Animas, State of Colorado, as the commanding officer I wish to inform the citizens at large that they will not be molested in the lawful conduct of their legitimate business unless it becomes a military necessity.

Second. All persons are hereby ordered to bring whatever firearms they possess to the nearest military headquarters, where they will be registered, and, for the present, retained, but such persons as can satisfy the commanding officer that they are good, law-abiding citizens, will be allowed to retain the same upon their giving a receipt therefor to the commanding officer.

Third. All persons are hereby warned not to congregate in crowds, and to remain in their homes after 9 p. m., unless compelled by sickness or business to go upon the street.

Fourth. The commanding officers of all detachments are hereby instructed to immediately close all saloons, gambling houses, dance halls and houses of prostitution.

Fifth. The sale of firearms and ammunition of every description is hereby prohibited, except on a written request approved by the nearest detachment commander.

Sixth. A sufficient guard will see that the provisions of clauses Nos. 3, 4, and 5 are enforced.

By order of Zeph T. Hill, major First Squadron of Cavalry, First Brigade, National Guard of Colorado, commanding First Provisional Battalion.

W. R. Patton,
First Lieutenant and Adjutant.

Official.

A press censorship was established, and members of the signal corps were stationed at the telegraph and telephone offices to enforce it. No messages were allowed to be transmitted without the "O. K." of Major Hill.

Detachments of troops were sent to Engleville, Hastings, Segundo, Berwind, Sopris, and Starkville. For sometime mining had been done at the first four camps. None had been done at Sopris and Starkville since the strike began, but the Colorado Fuel and Iron Company had announced that these two camps would be reopened as soon as men could be secured, and had further announced that while some of the strikers who had been particularly obnoxious in their actions and utterances would not be reemployed, most of the old employees would be taken back to work should they apply for work.

A special convention of strikers in District No. 15 had been called to meet at Trinidad to take action on the strike. District President Howells called on Major Hill to ascertain whether he would permit the convention to be held. The latter decided that he would permit the convention, with the proviso that no inflammatory speeches should be made. This was agreed to, and the convention was called to order on March 24. Among those in attendance were William Howells, W. R. Fairley, and "Mother" Jones. Mr. Fairley issued the following statement on March 24:

To the United Mine Workers of Las Animas County, District No. 15.

Greeting: The declaration of martial law in this county by Major Hill, of the Colorado National Guard, makes it obligatory upon all law-abiding citizens to respect and obey the military authority in every particular.

I, therefore, call upon all members of our union to see that no violations of these laws are committed within our ranks.

It is the boast of our organization that we are law-abiding American citizens, who yield to no one in our devotion to the principles of law and order.

Let us see to it that our claims in this respect are made good. Your past conduct under great provocation from those in the employ of the operators assures me that you can be depended upon in the future to wage a lawful contest until justice prevails and the right of the mine workers to fair treatment shall be recognized.

Anyone having firearms or ammunition will turn them over to the proper authorities as prescribed.

W. R. FAIRLEY,
National Executive Board Member, U. M. W. A.

The district convention adjourned on March 25, after adopting the following resolution:

Whereas, District No. 15, United Mine Workers of America, after having been engaged in an industrial struggle for sixteen weeks past, with all prospects of an early settlement seemingly as remote as on the date of the inauguration of said strike: Therefore, be it

Resolved, That the national executive board at its next session, be importuned to devise ways and means to extend this strike into the States of Wyoming and New Mexico, to the end that this strike may be brought to a successful and speedy termination.

Whereas, the miners of District No. 15 having been on strike for the past four months and more, and

Whereas, all possible efforts were put forth by the district and national officers to reach an honorable adjustment of all grievances connected with the production of coal in District No. 15, culminating in the demands formulated at the Pueblo convention, and

Whereas, the operators have absolutely refused to meet our representatives at all times to discuss our grievances, and

Whereas, the operators, the Citizens' Alliance through their mouthpieces, the newspapers opposed to organized labor, have endeavored to mislead the public at large to believe that we are unwilling to reestablish peace and harmony, but are desirous of keeping up a turmoil: Therefore, be it further

Resolved, That this statement be made as public as possible through the press of the country.

Whereas, Las Animas County has been placed under martial law, and

Whereas, it has come to our knowledge that the militia has been sent here at the request of the coal operators, the railroad companies, and some of the citizens of Las Animas County and Trinidad; and

Whereas, it is a well-known fact to all law-abiding and justice-loving people that all acts of violence that have been committed have been committed by the so-called officers of the law, namely, deputy sheriffs, and there has been less crime in this community than there was previous to the inauguration of the strike: Therefore, be it

Resolved, That we call on all law-abiding and justice-loving citizens to enter their solemn protest against the unwarranted and unlawful action of Governor Peabody in sending troops to this field.

CITIZENS REQUIRED BY MILITIA TO SURRENDER FIREARMS.

So many people brought firearms to the military headquarters to be registered, as had been commanded by Major Hill, that on March 25 the officers detailed for that purpose had more than they could do. On the next morning, details were sent to all portions of Trinidad, and every home was visited in the search for weapons. Several wagon loads of firearms were taken to headquarters. The owners were given receipts entitling them to reclaim their property at the end of the trouble. The searching of homes caused considerable excitement among the women, but they acquiesced when the soldiers informed them of their errand. The soldiers met with small reward at the camp of the strikers at Trinidad, only one rifle, one shotgun, and one revolver being there found. Three Italians were arrested on the charge of concealing ammunition. They had reported to the searchers that no arms were in their possession, but the soldiers visited the back yard of the house where they lived and dug up a quantity of shells. The three Italians were lodged in jail, together with two others, who were known to have received firearms by express, but who refused to disclose where they were hidden. From the surrounding camps, Segundo, Berwind, Hastings, Engleville, and Sopris, many guns were brought to headquarters in Trinidad.

The pass order of Major Hill went into effect on March 26. All persons who had not secured the coveted passes and who were on the streets were forced to go home at 9 o'clock in the evening.

ESTABLISHMENT OF PRESS CENSORSHIP,

A press censorship was established by Major Hill. By his order the office of Il Lavatore Italiano was seized, and a week's edition of the paper was confiscated. This edition contained a report of the proceedings of the recent district convention, also a speech made by W. R. Fairley, in which he urged the miners to assist in the maintenance of peace. An article in this issue impressed upon the strikers that they ought to purchase supplies only in stores where the union label was displayed, and said: "Do not buy a drink, smoke a cigar, or buy a suit of clothes, a shirt, or a pair of shoes that has not the union label." Another statement in this issue was that $200,000 had been subscribed for the maintenance of troops in the southern coal fields—$80,000 by the Colorado Fuel and Iron Company, $70,000 by the Victor Fuel Company, $30,000 by the Citizens' Alliance, and $20,000 by the railroad companies.

DEPORTATIONS BY MILITARY AUTHORITIES.

The first deportations by the militia at Trinidad occurred on the night of March 26, when Josef Paganni and Adolfo Bartolli, William M. Wardjon, and "Mother" Jones were deported. Six militiamen accompanied them from Trinidad to La Junta, and warned them never to return. Paganni was the editor and Bartolli was the publisher of Il Lavatore Italiano, Wardjon was a national organizer of the United Mine Workers of America, and "Mother" Jones was employed by that organization.

Governor Peabody, on being interviewed, said that he had issued no orders calling for deportations; that his orders to Major Hill, both public and private, had been of a general nature, placing authority in his hands to do whatever was necessary for the maintenance of law and order, and that any deportations which might be made would be carried out upon Major Hill's own responsibility.

By order of Major Hill saloons were permitted to reopen on March 31, saloon keepers being enjoined not to sell or give liquor to soldiers or to intoxicated persons.

On April 2 eight men were deported from the State. They had been arrested at the several coal camps during the previous two weeks and had been confined in the county jail. They were placed on a Colorado and Southern train, conducted by a detail of soldiers to the line between Colorado and New Mexico and warned not to return. All of the men who were deported were strikers, some of them had been active in the conduct of the strike, and nearly all of them were officers in their local unions. Major Hill, on being asked if there were any specific charges against them, said: "No; but I believe their absence is better for the people than their presence."

W. R. Fairley and Chris. Evans issued the following open letter:

An open letter to the public in general.

TRINIDAD, COLO., *April 4, 1904.*

On November 9, 1903, the coal strike in the southern Colorado coal field was inaugurated. Five months have now elapsed, with nothing but turmoil and vexation of spirit in the hearts and minds of business men and citizens in every walk of life. Before this strike began, John M. Mitchell, president of the national executive board, communicated with the coal companies interested, urging the advisability of a conference to thereby avoid a conflict, if possible. His solicitations, however, were ignored.

The result of this is now made manifest, not only to the coal companies involved, but business men also, who have been deprived of their only sources of revenue as a result of that strike.

Let us for a few moments view the situation as it is to-day, and what the future prospects were, setting aside individuals, and accept it in its broadest sense, always keeping in mind that the public in general is entitled to receive due consideration in all affairs of such vital importance to them, regardless of the source from which all this trouble has originated.

That there has, and is at present, a large amount of money being expended on both sides, there seems no reason to doubt. That the burden of expense of late on the part of the coal companies, to a great extent, has been largely transferred from them to the taxpayers of the entire State of Colorado, is a question that offers plenty of food for thought, and whether reflected upon at present or not, will later make itself so conspicuous that few will ignore its claim.

As representatives of the United Mine Workers of America, we are not unmindful of the fact that prejudices exist against us as such in many instances. While, on the other hand our actions are not looked upon with the same degree of suspicion by all; in fact, some Colorado citizens are inclined to think our claims are entitled to consideration and respect. For instance, prominent citizens of the State have said of late, through the public press, that "there is no state of insurrection in Las Animas County, and there has not been any indication of such a condition. The conduct of the present strike has been remarkable for its good order and the perfect control the leaders have over the men."

The above statement is not made by us, and yet the soldiers are located in Las Animas County at the instance of the State government.

The grievances of the miners are many, and are as follows: They ask for semimonthly pay days, an eight-hour day, a law that has been adopted by the citizens of the State by a majority of 40,000 votes, and yet has been ignored by the coal companies referred to; they ask for better ventilation of the mines, and just weight for all coal mined, that is, 2,000 pounds per ton, the same as sold to all consumers, instead of having to mine from 2,400 to 3,000 pounds per ton, the practice that has heretofore prevailed.

Under existing circumstances, the question is, to our minds, one that the citizens of the State should interest themselves sufficiently in to demand an investigation of the true state of affairs. We believe that this is the only way by which justice can be meted out to all parties interested, not forgetting that the business interests of the State are of more importance by far than either coal operators or miners alone. That until such a conference can be brought about as will bring to the surface the real situation as it is, there is no reason for us to believe but that the conflict will continue, and that the end is just as remote, so far as the United Mine Workers of America are concerned, as it was five months ago.

That this suggestion may be carried out is our earnest desire, and we urge its due consideration, believing that it will be to the best interests of all concerned.

W. R. Fairley,
Member National Executive Board.
Chris. Evans,
Financial Representative, United Mine Workers of America.

The following communication appeared in the Trinidad Chronicle-News of April 5:

An open letter to W. R. Fairley and Chris. Evans:

Answering your communication which appears in the daily papers of this State, addressed to the public in general—

We admit, as you have stated, that "five months have now elapsed with nothing but turmoil and vexation of spirit in the hearts and minds of business men and citizens in every walk of life." We admit also, as stated the result is "manifest, not only to the coal companies involved, but business men also, who have been deprived of their only source of revenue as a result of this strike." We also indorse heartily your statement that the public in general, in its broadest sense, is "entitled to receive due consideration in all affairs of such vital importance to them, regardless of the source from which all this trouble has originated." We further admit, as you state, "there has been, and is at present, a large amount of money being expended on both sides," and that the burden of expense to maintain the strike has, by the advent of the militia, been transferred from the coal companies to the taxpayers of the whole State, and that, as you suggest, it is "a question that offers plenty of food for thought."

We fail to find anything in the above citations of facts and conditions which are commendable or greatly to your credit. Up to this time we have remained neutral. We have given you a free hand to correct the conditions of which you complain, and, in return you have flatly boasted your determination to make the business conditions of this community as nearly unbearable as to force the people to interfere in your behalf.

The miners in whom you profess so deep an interest privately advise us of their desire to return to work, to be protected from the paid emissaries whom you have placed over them in control. And we now take this opportunity of serving notice on you of our intention, from this time on, as you have it, "to receive due consideration in all affairs of such vital importance" from the source from which it emanated.

We are tired of you. Your misguided followers are tired of you and your methods, and we respectfully request you to withdraw from the county, to the end that we may speedily repair the injuries we are sustaining, and have sustained, on your account. We feel that from now on we will be pardoned if we pursue in the future a policy of self-protection which will be as aggressive as in the past it has been lenient.

MANY CITIZENS AND TAXPAYERS.

On April 9 a military detail deported four men from Trinidad to New Mexico. One was the secretary of a local miners' union, another was one of the union commissary managers at Aguilar, another a local union organizer. When arrested by the militia, they had been charged with intimidation of nonunion miners.

On April 17 John Mitchell and Samuel Gompers arrived in Denver to attend the quarterly meeting of the executive council of the American Federation of Labor. Both of them addressed a mass meeting in Coliseum Hall at Denver on April 19, and strongly condemned the policy which the governor had pursued regarding the strike. Mr. Mitchell advised all persons to vote against the governor in case of his candidacy for reelection in the fall, and also said:

Governor Peabody has said recently that he advised the coal companies to treat with their own employees, and the companies replied that they were willing to treat with their own men, but refused to meet committees of employees, dictated to by John Mitchell. I say publicly that, last December when I talked to Governor Peabody, I urged that the companies treat with their own men. I offered to withdraw all

> officials of the United Mine Workers from the field. I was willing that the companies should treat with their own men. At that time, the governor had the chance himself to name a committee of miners to treat with the companies.

Governor Peabody, being interviewed on April 20, said:

> I have made no attempt to settle this strike, except that I tried to arrange a meeting between the operators and the miners, and the operators refused to attend. Previous to the time when Mr. Mitchell came to Denver, last December, he had been greatly misinformed by his agents here as to the true situation. However, he took the word of these agents without further investigation. It has not been my business to settle this strike; my only duty has been to maintain law and order in this State.
>
> I told Mr. Mitchell at that time that if he wished to keep his men in idleness in Colorado, he was at liberty to do so, as long as they should conduct themselves in a peaceable manner, but if they did not, there would have to be military interference. Mr. Mitchell asked me to keep the soldiers out, but said that if conditions should warrant such a move he would be one of the first to sign a petition for them to be sent to the scene of disturbance.
>
> The whole matter has worked itself out exactly as I told Mr. Mitchell it would. I see no reason why I should take the word of Wardjon, Bartolli, or "Mother" Jones against the word of civil authorities, senators, mayors, and reputable citizens generally as to when or when not to call out the militia. I sent the troops into the disturbed districts with only one purpose in view, that of maintaining law and order. That has been my position all along, and that is where I stand to-day.

Governor Peabody said that both Mr. Mitchell and Mr. Gompers, upon their arrival in Denver three days previous, had telephoned to his office requesting a conference with him. This, the governor said, he had granted, and he had been in his office every day since ready to receive them, but they had not appeared. "I am always ready," he said, "to grant an audience to any responsible committee or man."

W. M. Wardjon, national organizer of the United Mine Workers of America was attacked and severely injured while he was a passenger on a Denver and Rio Grande train. When the eastbound train reached Sargents on the evening of April 29, it stopped twenty minutes for supper, but Mr. Wardjon and a lady passenger did not leave the parlor car. Three armed men entered the car and cursed Wardjon, beat him with revolvers, and kicked him. His injuries consisted of four scalp wounds, two cuts on the face, and numerous bruises on the body. After inflicting this maltreatment the three men left the train. Wardjon proceeded to Salida, where he entered the hospital of the Denver and Rio Grande Railroad. He was positive in his identification of two of his assailants as men in the employ of Reno's Detective Agency.

On May 19, 80 Italian strikers were marched from Berwind to

Trinidad by a troop of cavalry. They had refused to register at Berwind and to have their descriptions written for future reference, according to an order issued by Major Hill a few days previously. The men complained that the march of 18 miles over the mountains on a hot day caused them great fatigue and that some of them dropped by the wayside, but they were cursed and driven on by the mounted soldiers. They were given water, but no food, either on the march or at Trinidad. On arrival at military headquarters there they were photographed in groups and registered according to the Bertillon system, then turned loose. They were fed at the commissaries of the union.

On May 22 ten men, who had been arrested on various charges during the previous fortnight, were placed on board a southbound Colorado and Southern train at Trinidad and taken across the line into New Mexico, in charge of an officer and a squad of soldiers. They were ordered not to return to the coal-mining district during the prevalence of martial law.

WITHDRAWAL OF MILITIA.

Governor Peabody, on June 4, issued the following proclamation suspending military authority in Las Animas County after June 6:

> Whereas, on the 22d day of March, A. D., 1904, I did issue my proclamation declaring the county of Las Animas in the State of Colorado, to be in a state of insurrection and rebellion; and,
>
> Whereas, since the date thereof the conditions within said county have so materially changed and improved that peace and good order in said county is being rapidly, if not wholly restored, and it has been fully shown to me that the civil authorities thereof are able, ready and willing to perform their legal functions, to control the situation, to protect life and property, and to enforce the law: It is, therefore,
>
> *Ordered*, That the further application of military authority under said proclamation shall be, and hereby is, suspended, and the provisional military detachment now in Las Animas County will hereafter act in support of and in subordination to the legally constituted civil authorities of said county, and for the purpose of carrying out this order and to enable the civil authorities to protect life and property, and to enforce obedience to the law, a suitable detachment of the National Guard of Colorado will remain in Las Animas County under command of Maj. Zeph T. Hill, until further orders.
>
> This executive order to become operative and to be in full force and effect from and after Monday, June 6, 1904, at 9 o'clock a. m.
>
> Given under my hand and the executive seal this 4th day of June, A. D., 1904.
>
> [SEAL.] JAMES H. PEABODY,
> *Governor and Commander in Chief.*

The proclamation was read aloud by military officers on the streets of Trinidad on June 6. The number of troops there had already been reduced to 70 men, and on June 11 they were relieved from active duty.

The following signed statement from Sheriff Clark was published in the newspapers on August 21:

During the existence of martial law in Las Animas County the sheriff's office was never consulted by the commanding officer. My judgment was never asked as to who should be arrested and imprisoned or who should be deported from the State. From the time the National Guard took control of the county on March 23 until martial law was declared off on June 6 the military was in absolute control, and their actions were in no ways governed by the sheriff's office. There were 164 military prisoners placed in the bull pen and 98 deported from the State by the military authorities while they were here. The punishment inflicted upon these men was without my suggestion or consent.

O. T. CLARK,
Sheriff of Las Animas County, Colo.

On June 2 the national officers of the United Mine Workers of America sent the following letter, informing the strike leaders in Colorado that the national executive board would not supply funds for the relief of strikers in that State after the month of June, and directing that a special convention of District No. 15 be held to consider the best method of ending the strike:

OFFICE OF NATIONAL PRESIDENT,
UNITED MINE WORKERS OF AMERICA,
Indianapolis, June 2, 1904.

Mr. HARRY BOUSFIELD, *Trinidad, Colo.*

DEAR SIR AND BROTHER: At the last meeting of the national executive board, held in this city April 27 to May 1, inclusive, a motion was adopted instructing the three resident officers to take such steps as they might deem necessary to close up affairs in Colorado. Since the adjournment of this meeting we have made a very careful investigation into the status of the strike and have exhausted every means at our command to effect a settlement upon any basis that would secure to our membership some concession. In all of these efforts we have failed, the coal companies refusing to recognize or to confer with anyone not actually in their employ, and their representatives confidently stating that they have a sufficient number of men at work to operate their plants and to supply them with all the coal they require to fill their orders. Close inquiry upon the part of our representatives satisfies us that the mines are being operated with reasonable success and there is no possibility of winning the strike. For this reason we have decided to bring the strike to a close at the earliest possible date.

You are thereby advised to call a meeting of the executive board members, organizers, financial representatives and district officers to be held within the next week. At this meeting the national representatives and district officers should issue a call to all local unions in District No. 15, instructing them to elect delegates to attend a special district convention, to be held not later than June 20, at such place as may be decided upon at the meeting above mentioned.

The purpose of such special convention to be the consideration of the best methods whereby the strike can be brought to a close and a general resumption of work be effected. You are authorized to notify the delegates attending such meeting that the national organization having expended approximately $500,000 in support of the strikers in District No. 15, now finds itself so pressed for funds that it can not continue these expenditures after the close of this month.

For the information of the delegates, you will further state that the strike in District No. 15 has been more expensive to the national organization than any other movement in our history, in which a like number of men have been involved. Strikes are now and have for some time been in progress in Pennsylvania, West Virginia, Ohio, Tennessee and Kentucky, all of which are receiving support from the national organization. Many of the men involved in these strikes have been members of the organization since the national union was formed and have, during all those years, paid dues and assessments, and they are, therefore, entitled to financial assistance; but, notwithstanding the fact that the men referred to have been loyal and continuous members of our union and have paid for years into the treasury, they had not received, and the probabilities are they will not receive from the national organization as much per capita in strike benefits as has been paid to the strikers in District No. 15, a vast majority of whom were not members of the organization prior to the 9th day of last November, the day upon which the strike was inaugurated.

It is unnecessary to say that we keenly regret that the miners of Colorado and Utah have not succeeded in their efforts to secure higher wages and the more favorable conditions of employment, and it is also a source of keen regret that the revenues of our organization are not sufficient to permit us to continue our present expenditure in defense of our fellow-workers in District No. 15. We are, however, compelled by circumstances beyond our control to withdraw further financial support and to terminate the strike upon any terms obtainable. It is our sincere hope that all those who have participated in the struggle may be able to secure speedy employment, that they may retain their interest in the organization and prepare themselves for a more successful movement at the first favorable opportunity. It is not our intention to abandon the work of organization in Colorado and Utah. We propose continuing our efforts to organize the men of these fields.

We are, yours, fraternally,

John Mitchell,
President,
T. I. Lewis,
Vice President.
W. B. Wilson,
Secretary-Treasurer,
U. M. W. of A.

As directed by the national officers, a special district convention was held. It met at Pueblo on June 20, and on June 23 unanimously declared in favor of continuing the strike. "From one standpoint I feel sorry that such action has been taken," said William Howells, president of the district, "but from another I do not. The operators absolutely refuse to treat with us in any way and leave us no alternative than to continue the strike."

Within two months after the strike began on November 9, 1903, work had been resumed at most of the coal mining camps. The mines did not reopen with a full force of men, but they added new men from time to time, and most of them had full forces by June, when the national officers of the United Mine Workers notified the district officials that after that month the strikers could expect no financial relief from national headquarters. The national officers realized that the strike was lost, although the district officials were loath to give up the fight. By June many members of the union had deserted the strikers and returned to work.

Persons who applied to the Colorado Fuel and Iron Company for work were required to fill the blanks in a card of which the following is a copy:

IDENTIFICATION CARD.

Name -------------------- **No.** ----------
Present address -------------------- **Birthplace** --------------------
Father's name -------------------- **Present address** --------------------
Mother's name -------------------- **Present address** --------------------
Occupation ---------- **Came to U. S** ---------- **A citizen of U. S.** ----------
Where were first papers taken? -------------------- **Second?** --------------------
At what port did you arrive? ---------- **Where have you worked?** ----------
(Give complete history from date of arrival in U. S.)

DESCRIPTION.

Name -------------------- **No.** ----------
Age ---------- **Color of hair** ---------- **Beard** ----------
Eyes ---------- **Weight** ---------- **Height** ----------
Noticeable marks --------------------
Identifying marks --------------------
Taken by --------------------
Camp -------------------- **Date** --------------------

On September 2 the district officials issued the following call for a strike of those miners who were then at work in District No. 15:

To all miners and men working in and around the coal mines and coke ovens in District No. 15, United Mine Workers of America:

You are hereby requested to cease work on September 7, 1904, and come and join the ranks of those now on strike, in order that a just basis of employment can be secured for all men who expect to follow the mines for a livelihood.

Come and you will be made welcome inside our ranks and you know that there is where you belong. Justice to labor can never be obtained while labor lends itself to capital to defeat itself. Remember this is to you whoever you may be that are now working but without agreed-upon conditions in District No. 15. Bear in mind further that if you answer this call you will get the same protection that all union men get. Also bear in mind that your action at this time has all to do with your future protection in securing justice and freedom. Remember at the same time that if you fail to act in accord with this call you are not only helping to defeat the union, which is the true friend of labor, but you are giving to master capital more power. If you answer this call hold your ground wherever you are at. We, the present strikers, will be by your side.

Trusting that you will see this in the true light that it is intended to convey, and act accordingly, we are, yours in the cause of justice to our craft,

William Howells,
President District No. 15, U. M. W.
James W. Graham,
Vice President.
John Simpson,
Secretary.

THE END OF THE STRIKE.

Very few men struck on September 7, in compliance with the foregoing request. The number was estimated at less than 100. The annual convention of District No. 15, which met at Pueblo, voted on September 16 to continue the strike. Officially the strike continued for about a month longer. All men who were on strike up to October 12 were given union clearance cards and allowed to return to work, a privilege of which all who could obtain employment availed themselves.

In the State district court at Trinidad, on December 7, 1904, the Victor Fuel Company filed suit against the United Mine Workers of America and various national and district officers of that organization. The company charged the persons named in the complaint with conspiracy to ruin its business, and asked for damages in the sum of $491,000 as a result of the strike; $75,000 because since the strike began that amount had been expended for guards to protect the company's properties; $50,000 for the loss of old employees, whom the strikers were alleged to have coerced and intimidated until they quit work; $19,000 because of printing, legal expenses, and court costs; $320,000 for damages to mines through disuse and the company's inability to fulfill contracts for coal and coke. This suit was in addition to the suit for $85,000 damages which had been filed several months previously.

CHAPTER XXXIV.

EXPENSE OF MILITARY CAMPAIGNS IN COLORADO FROM 1880 TO 1904.

Various governors of Colorado have ordered out the militia of the State, to assist in preserving law and order in localities where labor disturbances existed. Troops have been ordered out ten times during the twenty-five years from 1880 to 1904, inclusive. The places to which the militia were ordered and the time that the soldiers remained at each place are shown below:

Leadville, from June 13, 1880, to June 22, 1880.
Cripple Creek, from March 17, 1894, to July 10, 1894.
Leadville, from September 21, 1896, to March 10, 1897.
Lake City, from March 16, 1899, to March 20, 1899.
Colorado City, from March 3, 1903, to March 17, 1903.
Cripple Creek, from September 4, 1903, to April 12, 1904.
Telluride, from November 20, 1903, to March 11, 1904.
Trinidad, from March 22, 1904, to June 11, 1904.
Telluride, from March 23, 1904, to June 15, 1904.
Cripple Creek, from June 7, 1904, to July 26, 1904.

The expense to the State for these military campaigns has been as follows:

Leadville, 1880	$19,757.89
Cripple Creek, 1894	67,174.62
Leadville, 1896–97	214,185.24
Lake City, 1899	8,861.57
Colorado City, 1903	22,788.96
Cripple Creek, 1903–4	396,433.55
Telluride, 1903–4	199,292.10
Trinidad, 1904	113,766.65
Total	1,042,260.58

These figures, which show the whole cost of transporting the militia to and from the various places and of maintaining it during the periods of military occupancy, were furnished November 11, 1904, by John A. Hoimberg, auditor of the State of Colorado.

State Treasurer Whitney Newton, in his annual report to the governor on January 2, 1905, gave the total amount of certificates of indebtedness issued in payment of military expenses during 1903 and 1904 as $776,464, and recommended that the general assembly authorize the issuance of "insurrection bonds" to the amount of $800,000, payable in 25 years, and to draw not more than 3½ per cent interest annually.

INDEX.

A.

Page.

Accident. fatal, at Independence mine 220-222
Advisory board, action, etc., of, in Colorado City strike 123-131
American Federation of Labor, action of 278-280
American Smelting and Refining Company 132-146
Arms, surrender of, required 214, 215
Assistance to strikers by organized labor 278-280
Assistance to strikers' families forbidden 281, 282

B.

Bates, Gen. J. C., report of, to Gen. S. B. M. Young 196
Blacklist of—
    Mine Owners' Association 224-228, 284, 319
    Miners' Union 252, 253
Boarding houses, company, as cause of strike 102, 105
Boycott of newspapers by Citizens' Alliance 50, 266, 267
"Bull pens" defined 182

C.

Card system of—
    Colorado Fuel and Iron Company 358
    Mine Owners' Association 224-228
    See also Blacklist.
Censorship of press 199, 200, 204, 350
Citizens' Alliance of Colorado—
    action of, in Idaho Springs strike 157
    charges against, by Western Federation of Miners 326-329
    history, constitution, etc., of 46-50, 265-267
Citizens' Protective League of Idaho Springs 152-158
Civil authorities, conflicts of, with militia 81-84, 181-188, 216, 229-246
Civil officers, forced resignation of 249, 251, 252, 254
Closing by militia of mines employing union miners 283-286
Coal miners' strike, Trinidad, 1903-4 .... 32, 330-359
Colorado City, mill men's strike at, 1903 .... 112-119, 123-131
Colorado City strike, 1903, action of advisory board in 123-131
Colorado Fuel and Iron Company 330-342, 358
Company boarding houses as cause of strike 102, 105
Conflicts between military and civil authorities 81-84, 181-188, 216, 229-246
Cooperative stores of Miners' Federation 43, 164, 165, 217, 307
Coronado and Emmet mines, attack on 93
Court decision in Moyer change of venue case 320-325
Cripple Creek strike, 1894 75-85
Cripple Creek stikes, 1903-4 120-122,
131, 160-166, 170-188, 207-228, 249-286, 293-320

D.

Page.

Denver, smelter men's strike at 132-146
Deportation. (*See* Expulsion.)
Dunnville, fight at 260

E.

Eight-hour day as cause of strikes 44, 132, 151, 166, 167, 291, 331
Eight-hour law in Colorado, efforts for 51-67, 146, 292
Emmet and Coronado mines, attack on 93
Employers, attitude of, toward union labor 99, 205, 224-228, 265-267, 283-286, 292, 330
Explosion at—
  Independence depot 247-249, 253-256
  Strong mine 78, 84
  Sun and Moon mine 151-154, 156-158
  Vindicator mine 192, 193, 218, 219
Expulsion and deportation of union men and sympathizers 32, 33, 73, 154-159, 199-206, 216-218, 260, 267, 268, 274-278, 288, 295, 307-315, 350, 351, 353-355
Expulsion of—
  Italians from Hinsdale County 105
  miners, reasons of Governor Peabody for 272, 301
  nonunion men 32, 148-150

F.

Federal interference. applications for 9, 10, 18-25, 196
"Flag desecration" trial 229-246

G.

Globe and Grant smelters, attack on 136, 137

H.

Habeas corpus case of Charles H. Moyer 229-246
Habeas corpus, suspension of writ of 215, 216
Hospitals of Western Federation of Miners 43

I.

Idaho Springs strike, 1903 151-159
Importation of workmen 92
Independence depot dynamite explosion 247-249, 253-256
Independence mine, fatal accident in 220-222
Injunction against—
  Citizens' Alliance, etc., Cripple Creek 315-318
  Citizens' Alliance, etc., Telluride 201, 202
  Citizens' Protective League, Idaho Springs 157
  deportations by militia 218
  Leadville District Mining Association 228
  Western Federation of Miners, etc 140, 141, 144
Italians—
  attitude toward 105, 149, 150
  in Lake City strike 102-105

K.

Knights of Labor, early assemblies of 35, 69, 86

L.

Page.

- Labor troubles, account of—
  - by Governor Peabody ... 296-303, 305
  - by Judge Cunningham ... 320-325
  - by Mine Owners' Association ... 269, 270
  - by Western Federation of Miners ... 270-274, 303-305
- Labor troubles, extent of ... 34
- Lake City strike, 1899 ... 102-105
- Leadville strike, 1880 ... 69-74
- Leadville strike, 1896-97 ... 86-101
- Leadville strike, 1896-97, report of legislative committee on ... 96-101
- Letters and telegrams in regard to the disturbances in Colorado—
  - Bates, Gen. J. C., to General Young ... 14, 15
  - Cranston, E. M., United States attorney, to the Department of Justice ... 18-27
  - Cranston, E. M., United States attorney, to F. J. Hangs ... 26, 27
  - Hanger, G. W. W., Acting Commissioner of Labor, to the President ... 15
  - Haywood, W., to the New York World ... 273, 274
  - Moody, W. H., Attorney-General, to the President ... 18
  - New York World to Governor Peabody ... 272
  - Peabody, Governor J. H., to the New York World ... 272
  - Peabody, Governor J. H., to the President ... 9, 10
  - Roosevelt, President, to the Attorney-General ... 16, 17
  - Roosevelt, President, to the Commissioner of Labor ... 16-18
  - Root, Elihu, Secretary of War, to General Young ... 12
  - Root, Elihu, Secretary of War, to Governor Peabody ... 9-11
  - Wright, Carroll D., Commissioner of Labor, to the President ... 16, 17
  - Young, Gen. S. B. M., to General Bates ... 11-13

M.

- McIntire, Governor A. W., message of, on Leadville strike, 1896-97 ... 89-91
- Martial law in—
  - Lake County ... 72-74
  - Las Animas County ... 346-356
  - Teller County ... 207-219, 222, 223, 259, 260, 293-295
- Military instructions issued by General Bell ... 211, 212
- Militia—
  - closing of mines employing union men by ... 283-286
  - conflicts of, with civil authorities ... 81-84, 181-188, 216, 229-246
  - expense of use of, in strikes ... 360
  - refusal of, to obey orders of court ... 185-188, 230, 231, 235
- Militia, use of, in—
  - Colorado City strike, 1903 ... 115-119
  - Cripple Creek strike, 1894 ... 76-84
  - Cripple Creek strikes, 1903-4 ... 176-188, 207-219, 222, 223, 250, 251, 259, 260, 293-295
  - Lake City strike, 1899 ... 103-105
  - Leadville strike, 1880 ... 72-74
  - Leadville strike, 1896-97 ... 93-96
  - Telluride strike, 1903-4 ... 195-200, 203-206, 287
  - Trinidad strike, 1904 ... 344-355
- Mill men, wage scales of ... 133, 167, 197, 289, 290
- Mill men's strike at—
  - Colorado City, 1903 ... 112-119, 123-131
  - Telluride, 1903 ... 167-169

Page.

Mine Operators' Association, charges of, against Western Federation of Miners 326–329

Mine Owners and Operators' Association, Cripple Creek 49, 50, 171, 172, 175, 179, 180, 224–228, 252, 283, 284

Mine Owners' Association's account of labor troubles 269, 270

Miners and mine employees, wage scales of 110, 111, 197, 289

Miners' leases 236–38

Moyer, Charles H.—
- change of venue case of 320–325
- habeas corpus case of 229–246

N.

Nonunion labor, attitude of Western Federation of Miners toward 148–150

Nonunion men, expulsion, etc., of 32, 148–150

O.

Orman, Governor J. B., action of, in Telluride strike 108, 109

P.

Patterson, Senator T. M., resolution offered by 219

Peabody, Governor J. H.—
- account of labor troubles by 296–303, 305
- action of, in Colorado City strike 115–119, 123–131
- action of, in Cripple Creek strikes, 1903–4 .... 174–180, 187, 188, 207, 208, 213, 218, 222, 223, 293, 294
- action of, in Telluride strike 194–204, 287
- action of, in Trinidad strike 344–347, 355
- reasons of, for deporting miners 272, 301

Pitkin, Governor F. W., action of, in Leadville strike 72–74

Press censorship 199, 200, 201, 350

R.

Reports of association officials on labor troubles 269–274

Resignation, enforced, of civil officers 249, 251, 252, 254

Riot in streets of Victor 249–252, 256–258

S.

Senate, United States, consideration of labor troubles in 219

Smelter men's strike at Denver, 1903 132–146

"Smelter trust" manager's reply to employees 134–136

Smelters, Grant and Globe, attack on 136, 137

Socialism, attitude of Western Federation of Miners toward 41–43, 142, 143

Strike—
- coal miners', at Trinidad, 1903–4 .... 82, 330–359
- mill men's, at Colorado City, 1903 .... 112–119, 123–131
- mill men's, at Telluride, 1903 167–169
- miners', at Cripple Creek, 1894 75–85
- miners', at Cripple Creek, 1903–4 .... 120–122, 131, 160–166, 170–188, 207–228, 249–266, 293–320
- miners', at Idaho Springs, 1903 151–159
- miners', at Lake City, 1899 102–105
- miners', at Leadville, 1880 69–74
- miners', at Leadville, 1896–97 86–101
- miners', at Telluride, 1901 106–111
- miners', at Telluride, 1903–4 .... 194–206, 287–292
- smelter men's, at Denver, 1903 132–146

Page.
Strikers, assistance to, by organized labor 278-280
Strikes—
  list of, from 1880 to 1904 68
  results of, to Western Federation of Miners 45
Strong mine, explosion at 78, 84
Sun and Moon mine, explosion at 151-154, 156-158

T.

Telluride—
  mill men's strike at, 1903 167-169
  miners' strike at, 1901 106-111
  miners' strike at, 1903-4 .... 194-206, 287-292
Thomas, Governor C. S., action of, in Lake City strike 103-105
Train wrecking, attempts at 189-193, 218
Trinidad, coal strike at, 1903-4 .... 32, 330-359

U.

Union labor—
  attitude of employers toward 99, 159, 205, 224-228, 265-267, 283-286, 292, 330
  mines employing, closed by military action 283-286
Union men—
  expulsion, etc., of, by citizens 32, 73, 154-159, 201, 202, 260, 277, 288, 307-315
  expulsion, etc., of, by militia 32, 33, 199, 200, 204-206, 216-218, 267, 268, 274-278, 295, 350, 351, 353-355
Union sympathizers, expulsion, etc., of 73, 201, 202, 309
United Mine Workers of America, action of, in Trinidad strike 330-359

V.

Victor Record, attack on office of 261-265
Victor riots 240-252, 256-258
Vindicator mine, explosion at 192, 193, 218, 219

W.

Wage scales of—
  mill men 133, 167, 197, 289
  miners and mine employees 110, 111, 197, 289
Waite, Governor D. H., action of, in Cripple Creek strike, 1894 76-85
Western Federation of Miners—
  account of, of labor troubles 270-274, 303-305
  attitude of, toward nonunion labor 148-150
  charges against, by coroner's jury 254-258
  charges against, by Mine Operators' Association 326-329
  charges of, against Citizens' Alliance, etc 326-329
  history, constitution, etc., of 35-45, 141-144
  political influence of 147, 148, 251, 252
  results to, of labor troubles 45
  strikes in which involved 86
Whitecapping at Cripple Creek 306-315

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